THE ECONOMICS AND POLITICS OF ANWR DRILLING—PAGES 10-11

Environment & Climate News

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Fake CDC study full of holes

Illogical and unscientific, SprawlWatch report calls suburbs a "public nuisance"

BY RANDAL O'TOOLE

Several newspapers and other news sources have recently reported that a study published by the Centers for Disease Control (CDC) has warned about the health dangers of living in the suburbs. Public health officials, the study says, must support smart growth in order to promote a healthy, productive population.

In fact, the study is *not* a CDC report. It was probably written without the official endorsement or even knowledge of the CDC.

Instead, the report was published by SprawlWatch Clearinghouse, a smart-growth group. The report, "Creating a Healthy Environment: The Impact of the Built Environment on Public Health," can be downloaded at **http://www.sprawlwatch.org/health.pdf.**

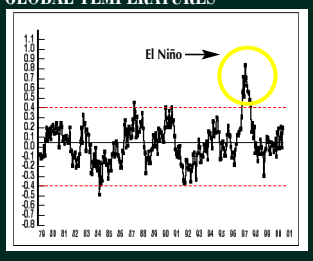
The report identifies the authors as Dr. Richard Jackson and Chris Kochtitzky, both of whom work for the CDC. The report's cover prominently displays the words "Centers for Disease Control and Prevention" underneath the author's names. While this properly indicates their affiliation, many news sources have misconstrued it to mean CDC published the report. The report's true publisher, SprawlWatch, has done nothing to correct this error and has obviously enjoyed a great media success.

One of the two authors is primarily an urban planner who works for CDC as an associate director for policy and planning.

CDC STUDY continued on page 13

Is *this* global warming?

GLOBAL TEMPERATURES



Each month, *Earth Track* updates the global averaged monthly satellite measurements of the Earth's temperature. *See page 3*

Whitman EPA adopts Clinton arsenic standard

BY JAMES M. TAYLOR

The Bush administration will adopt tighter arsenic standards first proposed just hours before former President Clinton left office, Environmental Protection Agency Administrator Christie Todd Whitman announced on October 31.

Whitman seeks more science

In March, the Bush administration was hammered by the mainstream media when it announced it would withdraw Clinton's 11th-hour rules regarding arsenic in public drinking water supplies. On April 18, Whitman elaborated on the decision, indicating she would seek a postponement of the new rule until February 2002, giving the National Academy of Sciences (NAS) time to conduct and review new arsenic studies.

Whitman subsequently announced in July that EPA was seeking public comment on a 20 parts per billion (ppb) standard, rather than the 10 ppb proposed by Clinton. Whitman's announcement seemed to indicate a developing compromise, accepting drastically lower arsenic levels but not quite the 80 percent reduction proposed by the Clinton administration.

The NAS released results of a new study in September 2001, proclaiming the risks of cancer and other health hazards related to arsenic were

ARSENIC continued on page 9

Daschle subverts will of Senate to stop drilling in ANWR

BY JAMES M. TAYLOR

Teamsters, Republican congressmen, and moderate Democrats spent the months of October and November attempting to force Senate Majority Leader Tom Daschle (D-South Dakota) to allow a vote on natural resource recovery in the Arctic National Wildlife Refuge (ANWR).

Unusual move

In August 2001, the House of Representatives approved oil recovery in a small portion of ANWR. On October 10, Daschle took the unusual step of canceling deliberations in the Democrat-controlled Senate Energy Committee and seizing control of the Senate version of the bill. Faced with likely passage in both the Energy Committee and the full Senate, Daschle chose instead to keep the bill from reaching a Committee or full floor vote.

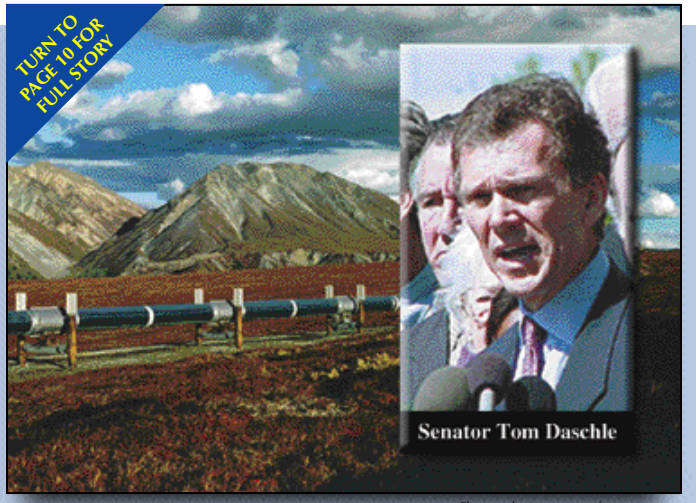
In the Senate Energy Committee, Democrats Daniel Akaka of Hawaii and Mary Landrieu of Louisiana were poised to vote for ANWR drilling. Other Democratic senators who are not members of the Committee were considering joining Akaka and Landrieu if the bill reached the full Senate.

"Several members of the other side don't want a vote on ANWR because they know they would lose," said Senator Frank Murkowski (R-Alaska). "They didn't have the votes in committee and we did."

Now, pressure has mounted from a bipartisan group of Teamsters, Republican congressmen, and moderate Democrats for Daschle to allow a vote on ANWR, a key element in President George W. Bush's energy plan. Moderate Democrats, in particular, feel they are losing political capital being associated with Daschle's unusual tactics.

"Senator Daschle has subverted the will of the Energy Committee, the will of the Senate, and the will of the American people—all in order to deny the President a political win," said Murkowski.

"At this point, they have decided to put this process behind closed doors and pull the plug on an issue that the President has said is important to our energy security in a time of war," added a top Republican official at the Energy Committee.



Photos and maps courtesy of www.anwr.org.

Teamsters vow to punish opponents

Jerry Hood, the Teamsters Union special assistant for energy policy, added the weight of the tradi-

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EPA, sound science validate biotech corn benefits

BY JAMES M. TAYLOR

Sound science has debunked yet another purported biotech scare, as the Environmental Protection Agency on October 16 declared biotech corn perfectly safe for monarch butterfly consumption.

A 1999 study reported in the journal *Nature* claimed a high death rate among monarch caterpillar larvae fed milkweed leaves dusted with high doses of pollen from genetically modified corn. The story was quickly trumpeted by the anti-technology lobby and the mainstream media as a stark warning against animal and human consumption of "Frankenfoods."

The corn at issue had been genetically modified to produce a small amount of toxin specifically targeting a moth larva called the European corn borer. The genetic modification had been widely acknowledged to exclusively affect the corn borer until the *Nature* study challenged that belief.

NAS confirms safety

EPA thus ordered a round of studies to determine what threat, if any, the biotech corn posed. On September 14, 2001, the National Academy of Sciences reported the results of the numerous studies, all concluding that biotech corn posed no hazard to monarch butterflies or any other creatures other than the corn borer.

> **"[T]he Environmental Protection Agency on October 16 declared biotech corn perfectly safe for monarch butterfly consumption."**

"The potential for adverse effects of *Bacillus thuringiensis* (Bt) Berliner corn . . . on nontarget organisms has received much attention since a correspondence to *Nature* suggested that pollen from Bt corn could be hazardous to the larvae of the monarch butterfly," noted the NAS studies' abstract.

However, the abstract continued, "Ecological risk is a function of exposure (environmental dose) and effect (toxicological response). The amount of pollen dusted on to the milkweed leaves was not quantified in the initial study; as a result, it is not possible to establish a relationship between pollen exposure and effect from these [*Nature*] data."

The NAS noted that the *Nature* conclusions were based on force-feeding the butterfly larvae nothing but pollen-dusted leaves in doses far greater than the larvae are exposed to in biotech cornfields. The NAS scientists concluded that in real-world conditions, there would be no more than five deaths out of every 10,000 butterfly larvae eating biotech corn pollen deposited on milkweed leaves. That number compares favorably to the death rates of larvae eating all sorts of other food sources found naturally in their environment.

"Bt corn has been evaluated thoroughly by EPA, and we are confident that it does not pose risks to human health or to the environment. The safeguards incorporated into these registrations will ensure that farmers can continue to use an effective, low-risk pest control alternative, which helps to protect the environment by reducing the amount of pesticides used," stated Steve Johnson, assistant administrator of the EPA Office of Prevention, Pesticides and Toxic Substances.

Safer than nature

Henry Miller, a fellow at Stanford University's Hoover Institution and former head of the Food and Drug Administration's Office of Biotechnology, noted that biotech corn is not only a non-risk factor to the environment, but in fact makes the environment safer for all manner of plants and animals.

"Food from gene-spliced organisms is, on average, even safer than other food, because the technique is more precise, circumscribed, and predictable than other techniques, and new, insect-resistant varieties of grain crafted with gene-splicing have lower levels of contamination with toxic fungi and insect parts than conventional grains," explained Miller.

"Thus, gene-spliced corn is not only cheaper to produce but is a potential boon to public health. Moreover, by reducing the need for spraying chemical pesticides on crops, it is environmentally friendly."

Specifically regarding biotech corn and monarch butterflies, Miller observed, "In fact, areas with large-scale cultivation of gene-spliced corn around the country showed increased numbers of Monarchs. Moreover, recall that the alternative to planting this corn variety that has increased intrinsic pest resistance is not the absence of any intervention, but spraying the broad-spectrum chemical pesticides, which would decimate butterflies and other beneficial insects."

Miller further observed that more than 60 percent of processed foods in the U.S. contain ingredients derived from gene-spliced organisms, and yet there has never been a reported injury to a person or the environment as a result of biotech foods.

Eco-vandals continue biotech campaign

Members of the anti-technology group Northeast Rage descended on New England grocery stores October 30 to vandalize food and grocery store property in order to scare and intimidate people buying products made with biotech foods.

The scene in Lebanon, New Hampshire, adjacent to Dartmouth College, was typical of the Northeast Rage vandal assaults. Several attackers invaded the store and smeared food packages with "poison" and "biohazard" labels to make persons fearful for their lives after eating the food. In light of the terrorist assaults against our nation, store patrons found the fictitious deadly warnings quite disturbing.

Henry Miller, a fellow at Stanford University's Hoover Institution and former head of the Food and Drug Administration's Office of Biotechnology, observed that eco-vandals find inspiration in seemingly "mainstream" organizations.

"By its own admission," noted Miller, "Greenpeace's goal is not the prudent, safe use of gene-spliced foods or even their mandatory labeling; rather, the organization demands nothing less than these products' 'complete elimination [from] the food supply and the environment.'

"Many such groups do not stop at demanding illogical and stultifying regulation or outright bans on product testing and commercialization," Miller continued. "They advocate and carry out vandalism of the very field trials intended to answer questions about environmental safety."

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Radical greens step up eco-terror campaign after September 11

BY JAMES M. TAYLOR

Far from being chastened by the events of September 11, radical environmentalist groups appear to have been inspired by the terrorists, stepping up their domestic terrorist activities in America.

The new wave of terrorist activity began on September 18, just a week after the events of September 11, when Tucson police were called to the scene of a Ronald McDonald House for seriously ill children. Upon reaching the charitable enterprise, police discovered the building had been vandalized and covered with "ELF" (Earth Liberation Front), "ALF" (Animal Liberation Front), swastikas, and anti-fast food graffiti.

Ronald McDonald House spokesperson Denisa Casement reports she now fears for the safety of families staying at Ronald McDonald Houses.

Soon after the Ronald McDonald House attack, eco-terrorists set fire to a maintenance building at a primate research facility in New Mexico, raided an Iowa mink farm twice within the span of a week, and firebombed a federal corral for wild horses in Nevada. The Earth Liberation Front and Animal Liberation Front have between them claimed responsibility for all of the terrorist attacks.

> "This is a horrible time in the nation's history, and to be adding to that with your own brand of violence just goes beyond the pale."
>
> BETH ANN STEELE, SPOKESPERSON
> FEDERAL BUREAU OF INVESTIGATION

Yes, they're terrorists

Federal Bureau of Investigation spokesperson Beth Ann Steele noted the FBI defines terrorism as "the unlawful use of force and violence against persons or property to intimidate or coerce" the government or civilians.

Steele asserted the FBI terrorism definition fits eco-terrorists such as ELF and ALF to a tee, and that it is "pretty unbelievable" such groups would step up their own terror campaigns at a time when the country is fighting a war against terrorism from abroad.

"We believe that their methods of intimidation and violence have crossed the line into unacceptable for law enforcement, and they've crossed that line for the majority of Americans," stated Steele. "This is a horrible time in the nation's history, and to be adding to that with your own brand of violence just goes beyond the pale. If you look at the general public, there is even less tolerance than there might have been before for terrorism of any kind."

"Acting out of compassion"

David Barbarash, spokesperson for ELF and ALF, defended the groups' domestic attacks by claiming the terrorists' motives are pure. ELF and ALF, claimed Barbarash, "are acting out of compassion for all life, including human life."

The alleged compassion for human life asserted by Barbarash is hardly evident on the ELF Web site. The site opens with a full-color photograph of one of its arson attacks with the large words "Every night is Earth night."

The ELF Web site offers a how-to terrorist guide, "Setting Fires With Electrical Timers—An Earth Liberation Front Guide." The guide preaches "The politics and practicalities of arson. Down-to-earth advice and how-to's about devices, fuel requirements, timers, security and more."

The Web site also offers a publication titled "If an Agent Knocks," directing terrorists how to frustrate and evade FBI counter-terrorism agents.

Barbarash received political cover for his groups' ongoing domestic terrorism from the American Civil Liberties Union. The ACLU opposed the USA Patriot Act anti-terrorist legislation in part because the legislation might deter domestic attacks from such groups as ELF. Protested the ACLU, "This over-broad terrorism definition would sweep in people who engage in acts of political protest if those acts were dangerous to human life. People associated with organizations such as Operation Rescue and the Environmental Liberation Front ... have engaged in activities that could subject them to prosecution as terrorists."

Added the ACLU, "The legislative response to terrorism should not turn ordinary citizens into terrorists."

Eco-terrorists threaten major escalation in Great Britain

Radical environmentalists in Great Britain have threatened a major escalation of their eco-terror attacks, including assassinations, after one of their leaders committed suicide via hunger strike.

Barry Horne, who was serving an 18-year prison sentence for an arson campaign that included blowing up a drug store, died November 5 of kidney failure after he refused to eat for 16 days. Since his 1997 conviction, Horne had engaged in many huger strikes in an attempt to force the British government to change its animal research laws.

Robin Webb, a spokesperson for the Animal Liberation Front, warned that radical environmentalists have vowed to seek vengeance for Horne's death.

"When Barry was on his third hunger strike in December 1998, a group called the Animal Rights Militia drew up a 'short list' of scientists who practice vivisection, and said they would start killing them if Barry died," warned Webb.

British law forbids prison officials to force-feed a prisoner who is not mentally ill if the prisoner chooses to go on a hunger strike. Horne was regularly examined by mental health experts and determined to be of sound mind up until his death.

"Horne had signed an advance directive refusing medical intervention for his food refusal," a prison spokesperson reported. "He was seen by psychiatrists, and as he was declared to be of sound mind, there was no option but to abide by the instruction of the directive."

Webb predicted Horne's death "will be a source of determination and will spur activists on to greater effort."

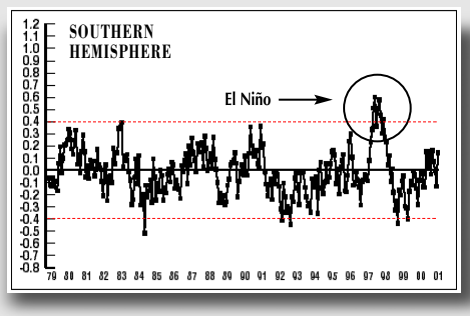
EARTH TRACK

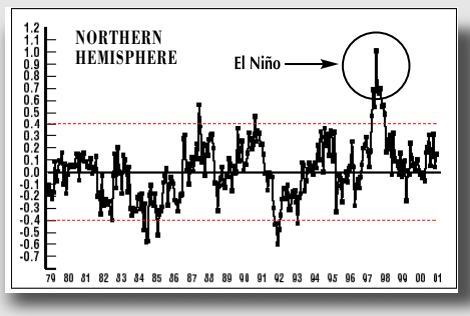
OCTOBER 2001

The global average temperature for October, shown on page 1, was 0.145˚C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.146˚C above normal; the Northern Hemisphere's, below right, was 0.143˚C above normal.

Each month, Earth Track *updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.*

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.





The data used to create these graphs can be found on the Internet at *http://vortex.nsstc.uah.edu/data/msu/t2lt/t2ltglhmam.d.*

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Bush Interior Department modifies Clinton mining rules

BY JAMES M. TAYLOR

Interior Department Solicitor William G. Myers III has issued a decision removing controversial language in mining regulations imposed by the Clinton administration in its final day of office.

The Clinton rules added several objectively defined legal hurdles to the mining of gold, copper, lead, and zinc on public lands, but also included language giving the Interior Secretary discretionary authority to veto any mining that could cause "substantial and irreparable harm" to the community.

Myers' October 25 decision retains all of the Clinton rules' objective hurdles, but eliminates the subjective "substantial and irreparable harm" language.

"Our solicitor has just issued a legal opinion that says denial of a mining permit on the grounds of 'substantial and irreparable harm' is not legally supportable," stated Larry Finfer, a spokesperson for the Bureau of Land Management.

Finfer gave three important reasons for the Myers decision.

First, he noted, the Interior Department already has the authority to deny mining permits if the proposed mine does not comply with clean air and water laws. Second, the public was never given the opportunity to comment on the "substantial and irreparable harm" standard. Third, it would not be fair to reject a mining permit according to a subjective and unpredictable standard after a mining company met all its objectively defined obligations in the lengthy permit process.

"It would not be fair to reject a mining permit according to a subjective and unpredictable standard after a mining company met all its objectively defined obligations . . ."

The repeal of the discretionary standard, observed Finfer, eliminates the very real possibility that the Interior Secretary would tell a mining company, "You've cleared all 10 hurdles, but we're saying you lose anyway."

"Tempering of the excesses"

The Clinton rules, according to industry observers, marked the culmination of a decade of government hostility to mining that sent companies and jobs overseas, resulting in an over-reliance on foreign minerals. Jack Gerard, president of the National Mining Association, noted that Myers' decision represents a welcome "tempering of the excesses that occurred in the previous administration."

Gerard reported that investment in mineral development in America since 1993 has fallen by 88 percent, leaving America seven times more dependent on foreign mineral sources than it was at the beginning of the Clinton administration.

"We hope this is a signal that we will stop that negative slide that has chilled the U.S. industry and has encouraged us to take our resources elsewhere," Gerard stated.

"Myers' October 25 decision retains all of the Clinton rules' objective hurdles, but eliminates the subjective 'substantial and irreparable harm' language."

Not everyone was pleased with Myers' decision. Lexi Shultz, legislative director of the Mineral Policy Center, a Washington, DC anti-mining group, complained the ruling symbolized a Bush administration "handshake with the industry." She said it perpetuated government subsidies allowing companies "to take billions of dollars of valuable minerals out of public land for free without paying a royalty and without having to fully consider the damage that they leave behind."

In Congress, however, Myers' repeal of the subjective language of the Clinton rules found support on both sides of the political aisle. Democratic Senator Harry Reid of Nevada, whose state would be one of those most affected by the 11th-hour Clinton rules, led the fight to allow the Bush administration to revisit the Clinton regulations.

Responding to a critical editorial in the *New York Times*, Interior Secretary Gale Norton reiterated the Bush administration will retain the objective elements of the Clinton rules, which represent a significant tightening of mining regulations.

"We have required that companies that operate on federal lands post performance bonds to cover the costs of reclaiming land and also to provide an incentive for companies to protect environmental resources," stated Norton. "In addition, we retained strict standards to address cyanide and to protect areas from acid mine damage. . . . To further address appropriate regulation of mining on public lands, I have proposed principles for reform of the 1872 mining law. These would empower us to levy fines against violators and to require payment of royalties."

The arrogance of bureaucratic power on display in Crandon, Wisconsin

BY WILLIAM PERRY PENDLEY

The men and women around the basement table of the tiny northern Wisconsin town bank could be from Tom Brokaw's best seller, *The Greatest Generation*, children of the Great Depression, young men and women who went to war or sacrificed from home, savers and sustainers of America's post-war boom.

Now grown old, some are gray and bent; others doze this summer afternoon. "We told our children about it," one intoned. "Then we told their children. If we last long enough, we may be telling their grandchildren about it."

Copper . . . and an economic boon

The "it" is the proposed Crandon mine, an underground facility capable of bringing jobs and revenue to Wisconsin's second poorest county. With very high unemployment, Forest County is a great place to visit, but for people seeking work, an impossible place to live.

Over 25 to 30 years, the mine would yield an estimated $1.5 billion in wages, purchases, and taxes, with a multiplier effect two to three times that. Four hundred locals would earn between $50,000 and $80,000 annually. Already, 1,200 people have applied for those jobs. They will have to wait.

The rich zinc copper deposit was discovered in 1975. Three years later, a mining notice was filed, leading to a comprehensive environmental study that concluded in 1986; but the project was put on hold for business reasons. In 1993, zinc prices went up, making the mine more economic, and permitting efforts began anew.

Initially, locals liked the prospect of 400 very high-paying jobs, but they had concerns. They worried about the water table, about water discharge, and about the iron pyrite left after extraction.

In 1998, mining officials, realizing they had to address those concerns, decided to engineer a state-of-the-art, world-class, show-piece solution. It would not be cheap, but it would work.

After $30 million, they had it: The pyrite would be mixed with cement and used to backfill the mine. An aggressive cement-grouting program would reduce water flow and, by employing reverse osmosis, would eliminate any need to discharge water off-site.

Local support is strong

Hundreds of meetings were held—in homes, schools, firehouses, community centers, and Indian casinos—to address all concerns about the mine. Soon, the signs opposing the mine, which had begun to appear here and there on barns and fence posts, all but disappeared.

In 1999, with impressive local and technical support for their approach, mining officials submitted their new proposal.

Meanwhile, in 1997, Wisconsin had adopted the nation's most stringent anti-mining law, requiring any new mine to show evidence of two other mines that used or had used the techniques the new mine proposed to use. One must have been in operation for 10 years, the other must have been reclaimed for 10 years, both without a single notice of violation!

Mining experts said the test was impossible, but the Crandon officials met it. They pressed for issuance of their federal and state permits.

Feds, state bureaucrats drag their feet

But former President Bill Clinton's Environmental Protection Agency (EPA) dragged its feet, raising one impediment after another. After two EPA officials were indicted for altering public records and lying under oath, it was discovered EPA had an illegal "strategy to stop the Crandon Mine."

Meanwhile, back in Madison—despite great and growing local support for the mine, from former Governor Tommy Thompson down through the state senator, state assemblyman, and county, township, and school officials—the Wisconsin Department of Natural Resources refused to act. Untouchable because of their civil service status, whenever asked about the permit, the bureaucrats simply say, "Maybe next year."

Next year may be too late for some of the men and women in Forest County. They have seen a lot, but never anything like this. People who went through Depression and war, they simply do not understand how bureaucrats could deny their children, grandchildren, and even great-grandchildren the ability to live where they were born and put food on the table.

William Perry Pendley is president and chief legal officer of the Mountain States Legal Foundation.

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Interior Department streamlines Everglades restoration

BY JAMES M. TAYLOR

Interior Secretary Gale Norton announced on November 6 that she is closing the Office of Everglades Restoration in West Palm Beach, Florida, in order to streamline the federal bureaucracy and steer more money directly to Everglades restoration.

Department of Interior officials estimate the move will save $1.3 million. Of the savings, $300,000 will be spent to resuscitate endangered deer populations in the Florida Keys, and $1 million will be directed to the eradication of nonnative melaluca trees and climbing ferns in the Loxahatchee National Wildlife Refuge.

Despite the direct benefits to the endangered deer and native plant populations, allies of the former Clinton administration criticized Norton's decision. The Office of Everglades Restoration was established in Clinton's final month in office and rewarded Michael Davis, a controversial figure who helped create the $7.8 billion Everglades plan, by making him director of the office. By streamlining the bureaucracy at the expense of Clinton's last-minute creation, Davis will lose his directorship.

Photo: Steven Holt / PictureDesk

Move attracts mixed reviews

"I am disappointed in Secretary Norton's decision," stated Davis. "I believe that the office is unequivocally justified and consistent with the President's desire to get senior managers out of Washington and into the communities affected by agency actions. The establishment of the office reflected a vision and an understanding of the critical and fragile nature of the next few years."

Shannon Estenoz of the World Wildlife Fund expressed concern that closing the new office will shift power away from the Interior Department, whose Everglades interest is entirely environmental, to Florida state officials and the Army Corps of Engineers, which consider environmental interests as just one of several factors in their activities.

"These actions demonstrate our continuing strong commitment to Everglades restoration," countered Joseph Doddridge, the acting Assistant Secretary of Interior for Fish, Wildlife and Parks. "By reducing bureaucratic overhead, we will focus our efforts and funding on the ground."

"The career people view this very favorably," added Sam Hamilton, southeast regional director for the Department of Fish and Wildlife. "That office created a tremendous amount of confusion. It really usurped power from the agencies in the field."

"This is just going to improve the communications flow," agreed Maureen Finnerty, superintendent of Everglades National Park.

A "serious environmental threat"

The decision to protect native plant species with the savings achieved by closing the Everglades office responds to a call by environmentalists to thwart the spread of nonnative plant and animal life along America's coastlands.

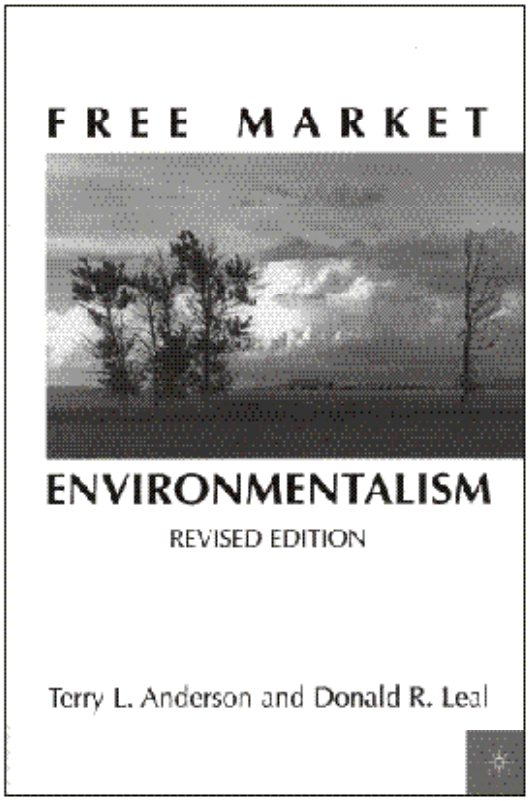
A July report by the General Accounting Office concluded that nonnative species are causing billions of dollars in damage to crops, ranges, and waterways, representing "one of the most serious environmental threats of the 21st century."

> **"The career people view this very favorably. That office created a tremendous amount of confusion. It really usurped power from the agencies in the field."**
>
> SAM HAMILTON
> SOUTHEAST REGIONAL DIRECTOR
> DEPARTMENT OF FISH AND WILDLIFE

The Pew Oceans Commission has called for a federal "strike force" and $50 million to be directed at eradicating nonnative invaders.

"The problem is accelerating," stated Lori Williams, executive director of a federal interagency task force charged with protecting native species.

Bush administration officials hope the transfer of funds from the federal bureaucracy to the Everglades themselves will serve as an important first step in the fight against invasive plant species.



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– *William H. Mellor, President and General Counsel, Institute for Justice*

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Economist warns against false market for CO_2 control

All approaches to controlling CO_2 emissions are flawed, and those claiming to be "market-oriented" aren't worth pursuing

BY JAMES M. TAYLOR

Attempting to make CO_2 controls more palatable to the American public and advocates of the country's free-market economy, some global warming alarmists are suggesting a "market-oriented" approach to reduce greenhouse gas emissions. A recent study, however, suggests such approaches create only false markets that are not much better than command-and-control anti-CO_2 schemes.

In "What's Wrong With Regulating Carbon Dioxide Emissions?" Canadian economics professor Ross McKitrick examined various proposals for limiting carbon dioxide emissions. The study formed the basis of a briefing, sponsored by the Competitive Enterprise Institute's Cooler Heads Coalition, that McKitrick conducted for Congress.

Among the most common approaches to controlling CO_2 emissions, McKitrick lists:

- command-and-control;
- voluntary measures;
- tradable quotas given to existing emitters;
- tradable permits sold at auction; and
- CO_2 taxes.

Each approach has its flaws, according to McKitrick—and some are more flawed than others.

Command-and-control

Command-and-control, according to McKitrick, defines any system that relies on central planning. Most commonly, bureaucrats and politicians decide on targets (the command part) and then set up measures to enforce compliance (the control part).

Command-and-control is the most common form of environmental policy, but McKitrick notes it is fraught with problems.

"Principally, central planners can never get enough information to figure out the least-cost way to achieve a target," he explained. "In the case of CO_2 there are so many millions of emission points, and the costs of abatement at each point can be radically different than at other points, so any attempt at centralized micromanagement of emissions will end up being excessively costly. No matter what emissions reduction is eventually achieved, it could have been done much more cheaply with one of the other methods."

Theoretically, command-and-control systems can ensure compliance with preset goals, but unnecessarily high costs and inefficiencies are inevitable. To attempt to reduce CO_2 emissions with command-and-control measures would be highly inefficient and punitive to the American economy, McKitrick concludes.

Voluntary measures

Voluntary measures, argues McKitrick, are also doomed: either to be ineffective, or to serve as an excuse to subsidize favored industries or companies. Voluntary measures are "an attempt to seem concerned about a problem without actually addressing it," resulting in "confusing symbolic gestures." Either emissions need to be cut, or they don't need to be cut.

Emission goals adopted voluntarily will never be met, McKitrick said, without subsidies to encourage adherence to the goals or enforcement measures to punish divergence. Either approach emasculates the voluntary nature of the system.

Cap-and-trade

One method of CO_2 reduction often advertised as market-friendly is a cap-and-trade system.

Under such a system, the right to emit predetermined amounts of carbon dioxide would be given away, with the largest current emitters generally receiving the majority of future CO_2 emission rights. Permit holders would then be allowed to sell or trade their emission rights. In theory, such a system works for firms that can easily cut emissions, as well as for those that cannot.

While such cap-and-trade measures are preferable to command-and-control, McKitrick observes even cap-and-trade is flawed. The artificial scarcity of CO_2 emission rights creates a "windfall" beneficiary in whomever is lucky enough to garner the initial emission rights.

For example, in one of the most noteworthy developments of the Marrakech climate talks in early November, Russia gained the right to double its carbon sequestration credits, giving the nation a vast amount of unused emissions to sell. As a result, Russia now stands to receive substantial economic benefits from tight controls on CO_2 emissions . . . and therefore has an incentive to fight a loosening of emission standards even if science shows tight controls are unnecessary.

A similarly skewed market for CO_2 emission rights would also occur domestically. Even if science ultimately demonstrates that tight CO_2 standards are unnecessary, companies that have invested great sums in CO_2 emission rights will fight any attempt to loosen the standards. Otherwise, they will have purchased a valuable commodity that stands to become worthless.

That incentive structure is already at work. Although energy-industry firms would seem to have the most to lose from tight CO_2 emission controls, many have supported CO_2 restrictions. Why? Because they have already spent significant sums of money on CO_2 reduction, in anticipation of mandated cuts in the near future. Their voluntary CO_2 cuts today may be worth a great deal of money in the future, regardless of whether sound science deems such cuts necessary.

A further flaw in the cap-and-trade system, according to McKitrick, is that the initial beneficiaries pay nothing for what are presumably valuable emission rights. Those beneficiaries—a select group of corporations or other private entities handpicked by the government—then reap all the benefits from the sale of rights they paid nothing for themselves.

McKitrick argues that "society itself, represented by the citizens' government," should be the initial owners of the emission rights. Emitters, then, would pay society—i.e., the government—to purchase the emission rights they need.

Auctioned Permits

An auctioned permit system is similar to cap-and-trade, except that the initial distribution of emission permits would go to the highest bidder (respecting the permits' initial fair market value), rather than to an arbitrarily selected group of private entities.

According to McKitrick, a system of auctioned permits would initially facilitate economic efficiency and distribute the economic benefits more justly: to society itself, rather than to a government-selected group of private entities.

Even so, the auctioned permit system is flawed. Government still sets the level of permitted emissions, thus creating scarcity and artificially valuing the emission rights. That means the incentive structure will be skewed, as it is under the cap-and-trade system. If science demonstrates tight CO_2 controls are unnecessary, those who have purchased emission rights will nevertheless have an incentive to fight a loosening of the standards, to the detriment of society at large.

Under both an auctioned permit system and a cap-and-trade system, there will be initial uncertainty regarding the proper amount of CO_2 emissions to permit. While any market uncertainties are harmful, miscalculations regarding the amount of emissions to allow are especially harmful.

Explains McKitrick, "Economists have looked at this problem of uncertainty, and have shown that in the case where the demand curve for permits is relatively steep, but the damages due to emissions accumulate relatively slowly [both of which hold true for CO_2], the costs of mistakes associated with picking quantities are much higher than those associated with picking prices."

"Let's take our time and gather all the scientific evidence before we rush into controlling CO_2 by any method."

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Marrakech climate talks heavy on rhetoric, low on news

BY JAMES M. TAYLOR

Global warming talks in Marrakech, Morocco, taking place October 29 through November 9, produced the usual anti-warming rhetoric but little concrete news. Delegates had hoped to hammer out the final details of the Kyoto-Bonn protocol and build public relations momentum against U.S. skepticism regarding the accord.

Hardliners forced to make concessions

The few agreements achieved at Marrakech were predominantly concessions to such nations as Japan, Russia, Australia, and Canada, which share much of America's reluctance to enter into a warming treaty.

The new concessions came at the expense of European Union hardliners and accentuated, rather then muted, American influence on the protocol. With America refusing to sign on, the EU was required to give in on contentious issues on which it previously refused to budge.

First on the agenda, the hardliners had hoped to establish emission targets as "legally" binding rather than simply "morally" binding. Japan, however, led a group of nations in insisting that negotiators wait until after formal ratification of the treaty, likely next year, before determining whether the agreed-upon targets should be legally binding.

Hardliners subsequently suffered another blow as Russia prevailed in doubling the amount of carbon-absorbing credits it could claim for its extensive farms and forests. The EU had initially balked at the notion any countries should receive credits for farms, forests, and other such carbon "sinks." Russia's ability to claim double its previous allotment struck a painful blow to the EU's position.

Finally, Saudi Arabia and other oil exporting nations stepped up lobbying efforts for financial compensation for revenues they stand to lose when other nations lower their oil consumption to meet emission targets.

The setbacks to hardliners came on the heels of Bonn concessions regarding carbon sinks and emissions trading. Before the U.S. withdrew from the warming talks prior to the Bonn meeting, any of those concessions seemed highly unlikely as the European Union repeatedly refused even to consider budging on such issues. After America voiced its decision not to ratify the emerging protocol, the EU was forced to take a more conciliatory and American-friendly position in order to keep Russia, Japan, Australia, and Canada on board.

> **"Despite the EU's recent compromises on carbon-absorption credits and emissions trading, the U.S. objects to the developing pact in many important particulars."**

Still unacceptable to America

Despite the EU's recent compromises on carbon-absorption credits and emissions trading, the U.S. objects to the developing pact in many important particulars:

- Credits granted for carbon-absorbing farms and forests are insufficient to reflect the real-world benefits of carbon sinks;
- Emissions trading is limited such that industrial nations are prevented from trading with developing nations;
- The choice of 1990 as the base year would force America to absorb crushing blows to its economy in order to reach compliance;
- Most of the world's nations, including top-five CO_2 producers China and India, would be totally exempt from emissions limits;
- The potential for "legally" binding targets gives other nations the power to penalize America at will; and,
- The science supporting global warming theory is dubious in the first place.

While the mainstream media was quick to trumpet the Marrakech talks as an important achievement regarding world unity pertaining to global warming theory, many observers offered a different perspective.

"Without U.S. participation and with credits being granted for 'business as usual,' I think the reductions you get off the baseline are very small," said Eileen Claussen, president of the Pew Center on Global Climate Change.

"The big question is how we can bring the United States into the biggest international effort against the greenhouse effect," conceded Olivier Beleuze, Belgium's environmental secretary and head of the EU delegation.

The fizzle of Marrakech stood in stark contrast to the hopes of the hardline nations before the meetings began. "The work of translating the Bonn agreements into a detailed operational rulebook must be completed here in Marrakech," stated Michael Zammit Cutajar, executive secretary of the Convention, prior to the delegates' arrival.

"Certainty about the Kyoto protocol's rules will further motivate businesses and other economic actors to create the low-carbon economy of the future. It will also clear the way for governments to ratify the protocol and bring it into force. Marrakech should be the turning point that enables the protocol to move into high gear," Cutajar explained.

Doing our own thing

As the Marrakech talks wound to a close, EPA Administrator Christie Todd Whitman stated that U.S. rejection of the Kyoto protocol did not mean America was unconcerned about so-called greenhouse gas emissions. Whitman claimed the U.S. has offset its emissions in other ways, such as through EPA voluntary climate-change programs. Such programs, according to Whitman, have eliminated more than 35 million metric tons of carbon equivalent.

"Just because you're not mandating everything from the top doesn't mean you're not making a difference," observed Whitman. Moreover, "We're not going to obstruct any actions that any other country wants to take."

Whitman predicted President Bush would have specific proposals of his own in the months ahead, but noted the administration's efforts "got knocked off-track by September 11." She added, "the President's very interested in it and he asked at the last Cabinet meeting where we are. The staff has been working on it right along."

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CO_2 Tax

Because it's better to make a mistake picking prices than picking quantities, McKitrick argues that a CO_2 tax would be less burdensome than an auctioned permit system. The latter involves initial uncertainties about the proper amount of CO_2 to permit; the former involves initial uncertainties about the proper price to place on a unit of CO_2 emission.

But significant problems remain even in this marginally better system, admits McKitrick.

While one can accept the inevitability of *initial* uncertainties regarding the proper price for a unit of CO_2 emission, it's more difficult to accept that a CO_2 tax would be unlikely *ever* to reflect proper pricing.

Why? McKitrick explains that the marginal social cost of emission reductions using a CO_2 tax would likely begin at about $25 per ton . . . but the marginal social costs of the emissions themselves are likely to be at or below $5 per ton. In other words, "the costs of emission reductions will exceed the benefits for any target, however small." Accordingly, the optimal carbon tax is zero—which defeats the purpose of a carbon tax.

Where does this leave us?

The McKitrick analysis offers valuable insight into the problems with CO_2 controls, be they cloaked in "market-oriented" terms or not. Certainly, free-market environmentalists may dispute whether an auctioned permit system is inferior to a "properly priced" CO_2 tax system (if such proper pricing were possible). But the point is moot, in that the McKitrick study itself acknowledges it is impossible to fix a proper tax on CO_2 emissions when the harms of the tax outweigh the benefits of CO_2 reduction.

So where does this leave us? Is there a possible solution? Yes, concludes McKitrick: Let's take our time and gather all the scientific evidence before we rush into controlling CO_2 by *any* method.

"What is the rush?" asks McKitrick. "Time is not pressing. This is a complicated issue. Let the scientific work proceed."

The science as we know it today supports McKitrick's approach. Since 1979, satellites have been precisely measuring the temperature of the lower atmosphere across the entire planet. In those 22 years, the Earth has not warmed at all. Not a single degree. Not even a tenth of a degree. Why rush to impose costly carbon controls when global warming theory is just that—an unproven theory.

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Appeals court rules Exxon Valdez award was excessive

BY JAMES M. TAYLOR

A federal appeals court has thrown out a $5.3 billion punitive damages award against Exxon Mobil Corporation for the 1989 Exxon Valdez oil spill, concluding the award was excessive.

The decision by the Ninth Circuit Court of Appeals, issued November 7, sends the issue of punitive damages back to a jury for recalculation of an appropriate award.

Damage award exceeded Court standard

The punitive damages were awarded in a suit filed by individual residents, mostly Alaskan commercial fishermen and property owners, to recover compensation for property damage and lost income as a result of the spill. A federal district court had determined plaintiffs suffered between $288 million and $418 million in damages meriting compensation.

In its November review of the district court's decision, the appeals court noted the $5.3 billion punitive damages award created a 17:1 ratio of punitive damages to compensatory damages. Remanding the case for a jury redetermination of punitive damages, the Ninth Circuit pointed out the U.S. Supreme Court had recently set an appropriate punitive damages ratio of roughly 4:1. That ratio would suggest a maximum punitive damages award in the Exxon Valdez matter of between $1.1 billion and $1.7 billion.

Environmental issues already addressed

Radical environmentalist groups were predictably unhappy with the Ninth Circuit's ruling.

"We feel that Exxon is getting let off the hook," said Greenpeace spokesperson Gary Skulnik. "They have committed environmental atrocities, and they are not being made to pay the price for it."

> **"[Exxon] still must defend itself against ongoing green animosity . . . [and] has had to defend itself against government lawsuits claiming it has gone too far in the direction of environmental safety."**

Skulnik's criticism was misdirected, according to the Ninth Circuit. The court noted Exxon had already addressed environmental concerns related to the spill. The company, according to the appellate court, spent over $3 billion to clean up the spill, going so far as to remove oil "even from the individual birds and other wildlife"; acted on its own to compensate thousands of persons for their losses even before any suits were filed; and made additional environmental outlays as dictated by Congress.

"This is not a case about befouling the environment," noted the court. "The verdict in this case was for damage to economic expectations for commercial fishermen."

Working at cross-purposes

The Ninth Circuit's decision illustrates the fine line Exxon is being forced to walk in the aftermath of the Valdez spill.

Although Exxon performed admirably in its efforts to address the spill and has spent billions of dollars on environmental improvement, the company still must defend itself against ongoing green animosity.

Simultaneously, the company has had to defend itself against government lawsuits claiming it has gone too far in the direction of environmental safety.

Mindful that the Valdez lawsuits were based on an allegation the company negligently allowed a captain with an alleged history of alcoholism to guide the ship, Exxon implemented a policy forbidding persons who had undergone substance abuse treatment from holding certain safety-sensitive positions, such as captain of an oil ship.

The U.S. Department of Justice helped Exxon develop that policy and urged the company to adopt it. But immediately after Exxon did so, the U.S. Equal Employment Opportunity Commission (EEOC) sued the company, claiming the policy violated the Americans with Disabilities Act (ADA).

> **"[T]he appeals court noted the $5.3 billion punitive damages award created a 17:1 ratio of punitive damages to compensatory damages."**

In pursuing its ADA claim against Exxon, the EEOC tried to prevent former Justice Department officials from testifying about their role in formulating the company's substance abuse policy. Realizing Justice Department testimony would doom their case, the EEOC argued that government ethics standards prevented the former government officials from testifying against the government in its ADA claim.

The federal Fifth Circuit Court of Appeals rejected the EEOC's argument and allowed the former Justice Department officials to testify.

The Science & Environmental Policy Project (SEPP)

SEPP is an association of scientists and engineers concerned about the use of sound science as the basis for environmental-policy decisions. With junk science, such policies can waste billions of taxpayers' dollars that can better be spent on other societal problems.

SEPP was founded in 1992 by atmospheric physicist S. Fred Singer, professor emeritus of Environmental Sciences at the University of Virginia, former director of the U.S. Weather Satellite Service, and former chief scientist of the Department of Transportation. SEPP chairman is Dr. Frederick Seitz, president emeritus of Rockefeller University and former president of the U.S. National Academy of Sciences. The board includes distinguished scientists from many countries.

All our scientists, officers, and board members work on a pro-bono basis and do not receive salaries or fees. SEPP does not solicit support from either government or industry but relies on private donations and occasional foundation grants.

SEPP is a 501(c)(3) educational/research organization, incorporated in Virginia. All contributions are tax-deductible to the full extent of the law. Documentation will be provided for donations of $250 and higher, or upon request.

Highlights of 2001

During 2001, SEPP concentrated its efforts on the issue of global warming and demonstrated the lack of any scientific basis for mandatory restrictions on emissions of carbon dioxide (and energy use), as would be required by the Kyoto treaty that was actively promoted by the past administration. President Bush has labeled Kyoto as "fatally flawed" and the U.S. has refused to support it.

SEPP organized scientific briefings at international climate conferences and the successful "Student Climate Crusade" that drew 40 American college students to Bonn, Germany, in July 2001, where they were the only group to demonstrate publicly (and noisily) in favor of the U.S. position.

In addition to some two dozen seminar lectures at universities and scientific conferences during 2001, SEPP also organized a scientific briefing on global warming at the Austrian Parliament in Vienna in November. The briefing team included SEPP president Fred Singer and five European climate scientists.

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"more hazardous than earlier thought." As a result, Whitman announced EPA would adopt the Clinton standard.

Existing standard in place for 60 years

Most of the arsenic found in water supplies has entered through natural processes. The current arsenic standard, which has been in place since 1942, allows 50 ppb in drinking water. However, after studies showed an increase in cancer risks to persons exposed to extremely high levels of arsenic for prolonged periods of time, the National Academy of Sciences (NAS) in 1999 recommended the standard be revised downward "as quickly as possible."

Many scientists disagreed with the recommendation, noting the NAS studies focused on unusually severe and prolonged arsenic exposure. The research did little to cast doubt on the less-stringent arsenic standard mandated by current law, the scientists contended.

The NAS did not recommend a specific new arsenic level, but the Clinton administration announced an 80 percent reduction, from 50 ppb to 10 ppb, on the final night of Clinton's presidency.

> **"It's going to be real problematic in rural America. It won't be uncommon to see $500-a-year rate increases."**
>
> MIKE KEEGAN, ANALYST
> NATIONAL RURAL WATER ASSOCIATION

The Clinton proposal was particularly troublesome to western states, where arsenic occurs naturally in drinking water supplies at much higher levels than elsewhere in the country. Research has concluded many rural towns would be bankrupted if officials attempted to meet the new federal standards. Tom Curtis of the American Water Works Association has estimated it could cost as much as $4.5 billion to build sufficient arsenic treatment units throughout the country, and another $20 million per year to operate them.

Criticism from all directions

In announcing her decision to adopt the Clinton proposal, Whitman explained, "I said in April that we would obtain the necessary scientific and cost review to ensure a standard that fully protects the health of all Americans, and we did that, and we are reassured by all of the data that significant reductions are necessary. As required by the Safe Drinking Water Act, a standard of 10 ppb protects public health based on the best available science and ensures that the cost of the standard is achievable."

For the past two decades, EPA's maximum acceptable level of risk for all water contaminants has been one death in 10,000. The September 2001 NAS report concluded that even a 10 ppb standard would result in 30 deaths per 10,000 people. A 3 ppb standard, NAS concluded, would reduce that number to between four and 10 deaths per 10,000 people.

Taking her cue from the NAS study, Senator Barbara Boxer (D-California) immediately called for EPA to further reduce the maximum allowable arsenic level to 3 ppb. However, "I think right now people will accept the 10 parts per billion, and that will be the standard," stated House Minority Whip David Bonior (D-Michigan).

Boxer also criticized the Whitman EPA after it "wasted all this time for nothing. They should have left the Clinton standard in place."

"I don't see how anyone can fault her for getting the best possible science to justify the decision," countered Representative Sherwood Boehlert (R-New York). He observed that Whitman still intends to meet the Clinton administration's 2006 implementation goal, so no time was in fact wasted in implementing the 10 ppb standard.

"Problematic in rural America"

Mike Keegan, an analyst for the National Rural Water Association, questioned the soundness of the NAS science. He asserted there remains "an incredible amount of uncertainty" regarding the NAS studies. So long as such uncertainty exists, stated Keegan, local communities should be allowed to determine for themselves how much arsenic they choose to filter from their water.

Keegan pointed out that 56,000 of the nation's 60,000 community water systems are already compliant with the 10 ppb standard. The remaining 4,000 systems will be forced to bear their own costs for expensive new equipment, yet these systems serve an average of fewer than 10,000 people each.

"It's going to be real problematic in rural America," stated Keegan. "It won't be uncommon to see $500-a-year rate increases.

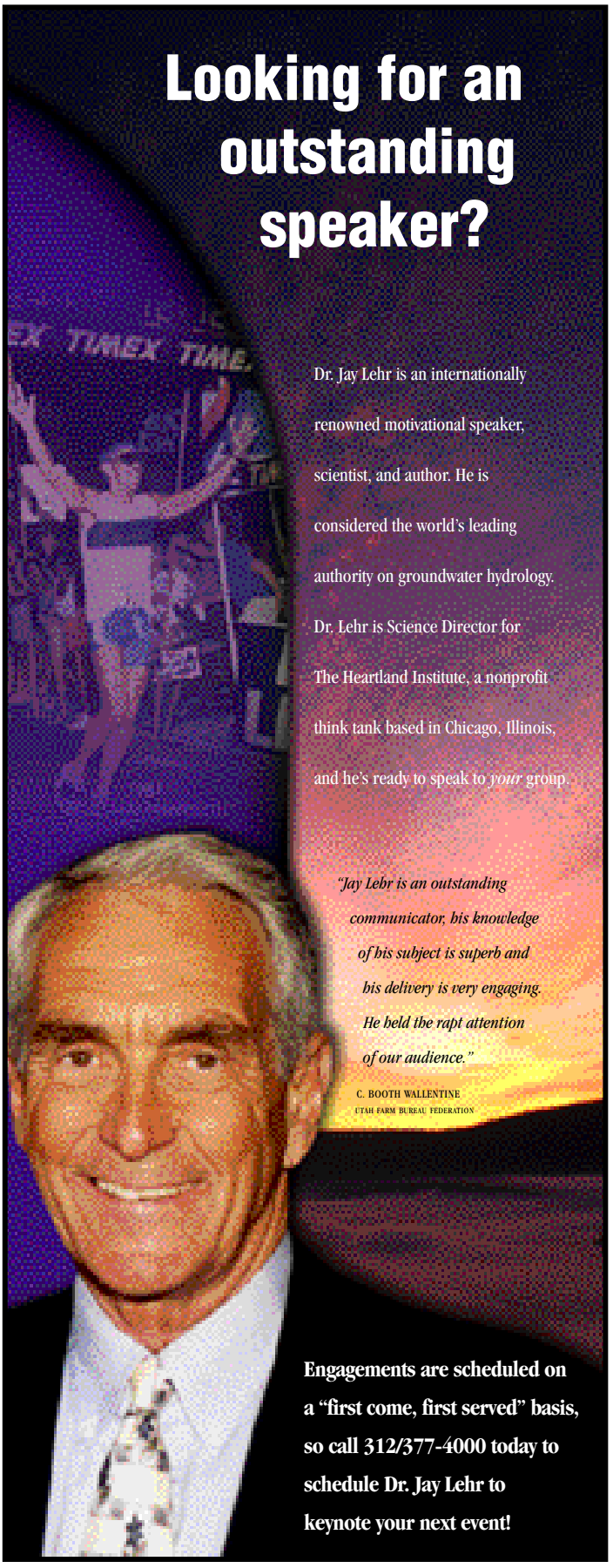
Jerry Taylor, director of natural resource studies for the Cato Institute, agreed that arsenic standards should be decided by each local community. Even if the NAS findings are accurate, noted Taylor, $500 per year is a hefty price for low-income Americans to pay to partially address what is already a minimal health risk.

"For many people," Taylor points out, "$500 per year is the difference between decent food, clothing, and shelter and poor food, clothing, and shelter; the difference between carrying decent health insurance and going without health insurance; the difference between having disposable monthly income and having no disposable monthly income. Individuals and individual communities, rather than the Washington bureaucracy, are best suited to determine whether $500 is a worthwhile price to pay for whatever marginal benefit the new standard provides."

Cass Sunstein, a professor of jurisprudence at the University of Chicago, supported the free-market analysis offered by Keegan and Taylor. "Safety is a matter of degree, and if safer water quality is very expensive, then poor people are better off without it.

"Cars should certainly be safe," continued Sunstein, "but rich people are more likely than poor people to buy Volvos. It would not be a good idea for the government to force poor people to buy Volvos, and the reason is that if you are poor, you might reasonably use what money you have on something other than adding an additional margin of safety to your car. Perhaps you will use that money on food, or medical care, or shelter.

"The same is true for water quality. If the consequence of decreasing risks is to significantly decrease family income for poor people, then it is perfectly legitimate for the government to refuse to act."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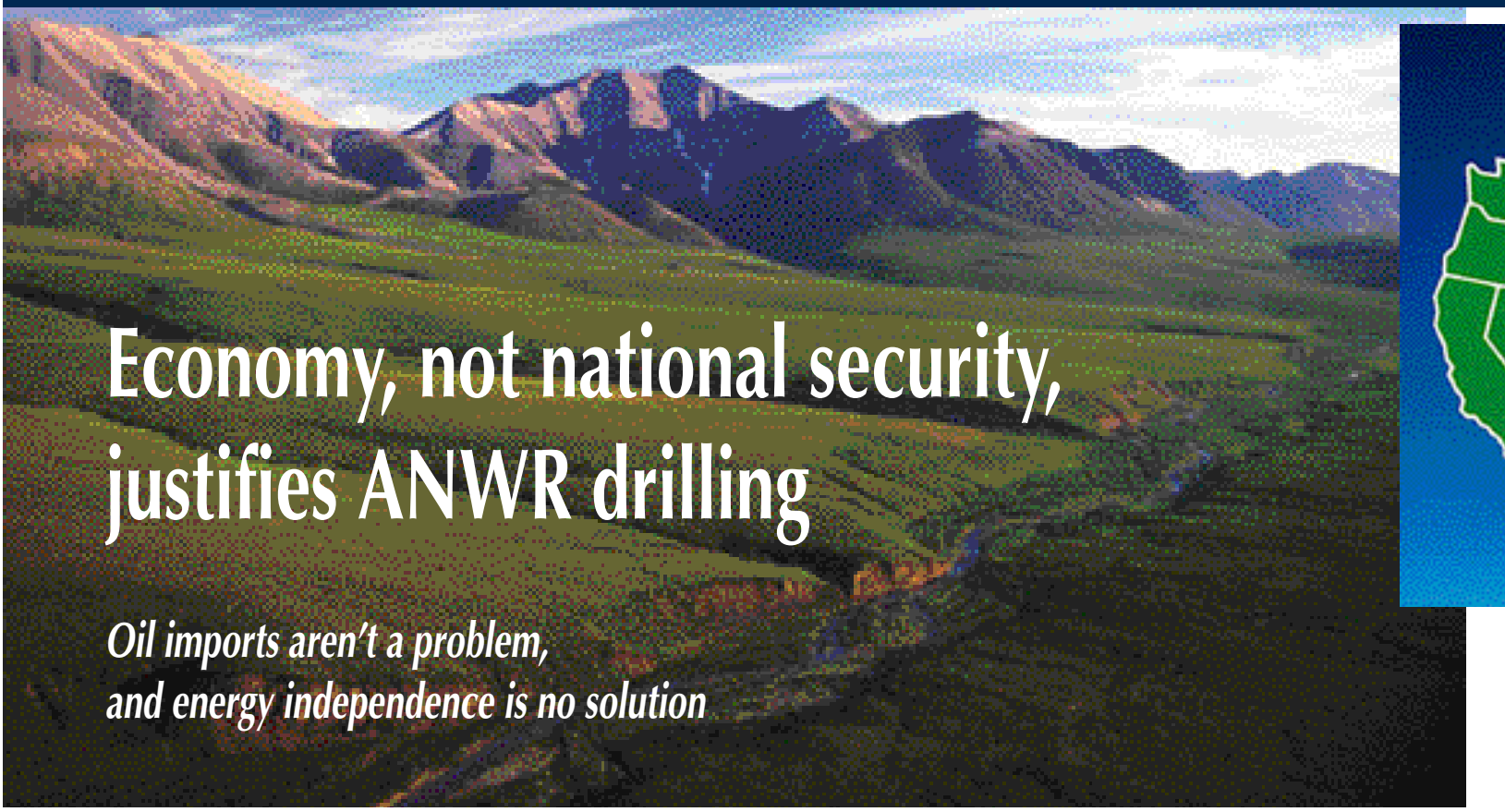

Economy, not national security, justifies ANWR drilling

Oil imports aren't a problem, and energy independence is no solution

BY JERRY TAYLOR

"Energy security" is becoming the by-word for politicians anxious to do something on the home front to support the war on terrorism.

Apparently, the belief that reliance upon foreign oil is a dangerous Achilles heel during wartime—particularly during wartime in the Middle East—is hardwired into our collective DNA. Accordingly, Americans are anxious to sacrifice something—gas-guzzling cars, Arctic caribou, whatever—to become less dependent on foreign oil.

Don't bother. Oil imports aren't a problem and energy independence is no solution.

The market for oil is global

First, even if every drop of oil we consumed came from Oklahoma, Texas, and Alaska, a cutback in OPEC production would raise domestic oil prices as high as if all our oil came from Saudi Arabia. That's because there are no regional markets for oil—only global markets—and regional prices invariably rise to the world price.

In 1979, for instance, Great Britain was "energy independent"—all the crude oil it consumed came from the North Sea. But the oil price spike of 1979 hit Great Britain as hard as it hit Japan, a country dependent upon imports for its oil. No country can protect itself from the influence of the world market.

Second, once oil is in the tanker or refinery, there is no controlling its destination. During the 1973 embargo, for instance, oil that was exported to Europe was resold to the United States or ended up displacing non-OPEC oil diverted to the U.S. market. It was no more possible for OPEC to keep its oil out of U.S. ports than it was for the United States to keep its grain out of Soviet silos several years later.

Third, reliance on foreign oil imports does not affect our military capabilities. Defense Department officials have testified that the military could fight two major regional wars the size of "Operation Desert Storm" nearly simultaneously while using only one-eighth of America's current domestic oil production.

Fourth, "energy independence"—even if achievable—would be harmful in that higher prices would be paid for energy than is necessary. After all, the United States imports Persian Gulf oil for a reason; it's significantly less expensive than domestic petroleum or non-fossil fuel alternatives. Artificially limiting our access to foreign oil is to artificially limit our access to cheap oil—hardly a wise policy in the midst of a recession.

That's not to say we shouldn't increase domestic oil production or conserve energy. It's just that those policies cannot be justified on the grounds of "energy security."

So why drill in ANWR?

The case for drilling in ANWR, for example, is not that it will immunize our economy from OPEC. It can't. The real case for drilling in ANWR is twofold.

First, oil exploration is the most productive use of some of the land within that region. Second, ANWR might hold so much crude oil that it could reduce OPEC's share of the market, reducing the cartel's leverage over world prices.

Today, industry's best estimate is that ANWR could produce about 1 million barrels of oil per day at its peak. That's a 1.25 percent increase in global production that, all things being equal, would reduce world oil prices from $20 per barrel to about $18. That's not inconsequential. But it's not a cartel-breaker either.

On the other hand, ANWR may well hold about 5 billion barrels of economically recoverable reserves (a reasonable estimate given what we know). That oil would have a discounted value of about $30 billion. That's a lot of wealth we could create for an economy nosing into a recession, and a lot of jobs we can create in the process of oil recovery.

Oil an unlikely weapon

Regardless, we likely won't have to worry about politically inspired attempts to use the "oil weapon" against the United States in the war against terrorism. OPEC nations are first and foremost profit maximizers. Never once have they allowed foreign policy considerations to get in the way of the bottom line, self-serving declarations to the contrary notwithstanding.

The October 1973 embargo is a good case in point. The announced 5 percent monthly production cutbacks were canceled within a month. By December 25, OPEC had agreed to a 10 percent increase in January production. The promise to tie oil exports to Israeli withdrawal from Palestine had a shelf life of only two months.

Economics, not politics, explains the introduction and termination of that embargo. An increasing buildup of oil inventories throughout 1973 signaled to OPEC that production cutbacks were warranted. The tightening market of November and December signaled that greater profits could be had by expanding production. OPEC's cover story was an attempt to win a few foreign policy points for actions it would have taken anyway.

America's got a lot of things to worry about right now. But reliance upon foreign oil imports isn't one of them.

Jerry Taylor is director of natural resource studies at the Cato Institute.

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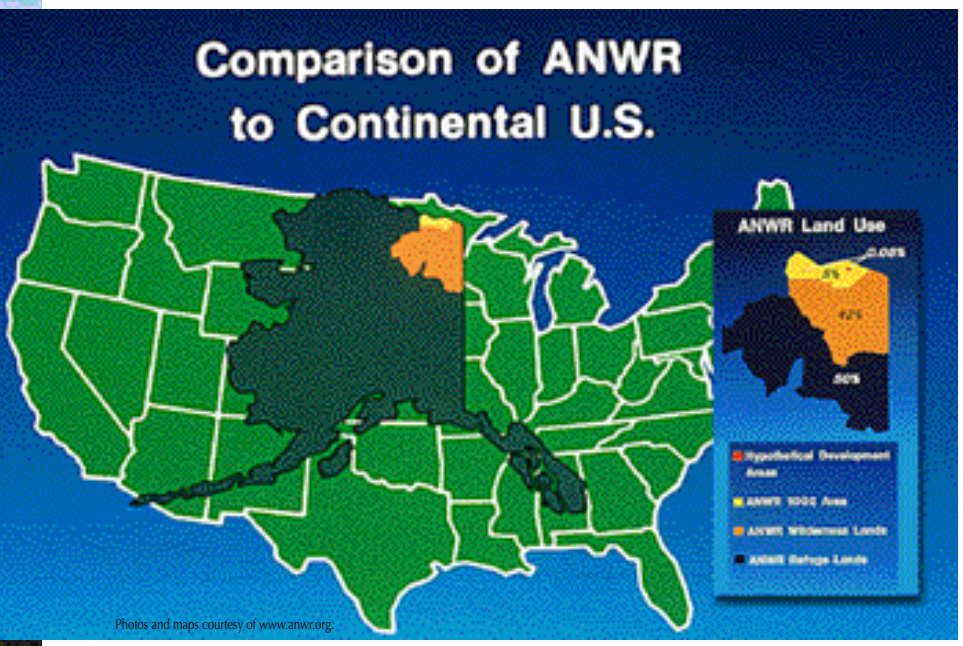

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tionally Democrat-friendly labor organization to voices of outrage over Daschle's tactics. Hood pointed out that opening a small portion of ANWR to natural resource recovery would create over 700,000 new jobs.

"In all 2000 elections, labor households made up 26 percent of the electorate," observed Hood. "Those [politicians] who oppose the interest of working families are doing so at their own political risk."

Most observers believed the Teamster/Republican/moderate Democrat coalition would succeed in rallying a majority of the Senate in favor of drilling in ANWR if the issue could be brought to a vote. As support in the Senate continued to build, Republican leaders threatened to attach the bill to any and all pieces of legislation favored by the Democratic leadership.

Stated Senator Rick Santorum (R-Pennsylvania), "If they want a farm bill, then they will get a farm and energy bill—we will vote on the energy bill often until we get the energy bill. They can put that into their calculation and decide whether they want to spend Christmas in Washington."

"Anything that moves will have energy on it," warned Senate Minority Leader Trent Lott (R-Mississippi). "It shouldn't be at the bottom of the list, and for Senator Daschle to say we're going to do all these other things, and by the way, we'll get to energy next year—no."

Lott appeared ready to attach the ANWR proposal to Daschle's cherished economic stimulus package, putting Daschle and the liberal wing of his party in the awkward position of filibustering their own legislation in order to forestall the coalition's ANWR proposal.

In light of the growing pressure and tactical maneuvering, speculation began mounting that Daschle would relent and allow a straight vote on ANWR. Observers believed Daschle and other Senate liberals would be counting on a filibuster to thwart the will of the majority.

Such a filibuster, according to Senator Ted Stevens (R-Alaska), "would be the first time in history we've had a filibuster against a national-security issue involving energy."

Norton, labor president make case

Appearing November 9 on the Fox News Channel, Secretary of the Interior Gale Norton observed, "It's projected that this (ANWR) is our largest undiscovered area" of oil in American history. Moreover, "we're thinking it's as much as we import from Saddam Hussein for 45 years. . . . That's over $4.4 billion a year that we send to Iraq to purchase oil."

Norton also noted drilling in ANWR will be unlikely to harm the environment. Since oil drilling was approved in Prudhoe Bay, Alaska, she noted, "the number of caribou there has gone from 5,000 in 1970 to 27,000 today."

A few days prior to her Fox News appearance, Norton and Terence O'Sullivan, general president of the Laborers' International Union of North America, teamed up to write an editorial in the *Washington Times* adding further pressure on Daschle to allow a vote on oil recovery in ANWR.

"U.S. energy production is not keeping up with our growing consumption, creating a rapidly increasing gap between domestic supply and demand," wrote Norton and O'Sullivan. "Over the next 20 years, even with increased conservation programs, U.S. domestic oil production is calculated to decline by 1.5 million barrels per day, while demand will increase by 6 million barrels per day.

"We can develop a small portion of ANWR while guarding the environment," they continued. "The administration is urging that the ANWR legislation impose the toughest environmental standards ever applied to oil production."

Kerry calls coalition "unpatriotic"

Senator and Presidential hopeful John Kerry (D-Massachusetts) argued the Teamster/Republican/moderate Democrat coalition was unpatriotic to challenge Daschle's unusual tabling of the ANWR issue.

"I find it irresponsible and even unpatriotic to press an issue that will not make a difference during our war on terrorism," Kerry told the *Environment and Energy Daily*.

Kerry also argued that it was the coalition, through its unwavering pressure for a majority vote, rather than Daschle, that was using "strong-arm" tactics in the ANWR debate.

The slick politics of ANWR oil

BY PAUL K. DRIESSEN

A new Native-controlled oil and gas drilling company was recently formed to provide oilfield services in the Mackenzie River delta area of northwestern Canada, adjacent to Alaska.

According to *Petroleum News Alaska*, the company was created to provide investment and business opportunities, employment, and training for tribal members. It expects to start operations this winter, to expand oil and gas development activities in the Arctic region.

The new enterprise, Gwich'in Oilfield Services, offers some fascinating insights into the slick politics of militant environmentalism.

Not opposed to drilling

The majority owner in the new drilling enterprise is none other than the Gwich'in Indians Tribal Council. Those are the same Gwich'in Indians who for years have been poster children for the cause of opposing oil exploration in the flat, featureless coastal plain of Alaska's Arctic National Wildlife Refuge (ANWR).

But nearly 90 percent of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaskan Gwich'ins live some 250 miles from the coastal plain, if one travels along the route caribou use to migrate to and from ANWR.

As the crow flies, the Indians' Arctic Village is 140 miles across the all-but-impassable Brooks Range. Those majestic mountains—the ones seen in all the misleading ads and news stories opposing ANWR oil exploration—are 30 to 50 miles from the coastal plain. (It's amazing how a telephoto camera lens can make them look so close.)

The Gwich'in Tribal Council plans to drill in a 1.4-million-acre land claims area governed by the Indians. This is an area the same size as what's been proposed for exploration in ANWR. The Indians' proposed drill sites (and a potential pipeline route) are just east of a major migratory path where the caribou often birth their calves.

Back in the 1980s, the Alaska Gwich'ins leased 1.8 million acres of their tribal lands for oil development. (No oil was found.) Any reservations they may have had about the latest leasing plans were apparently very muted.

Not in your backyard?

It is difficult to grasp how drilling for oil in their own backyards is perfectly OK, but exploration on public and Inuit Eskimo lands 140 miles away somehow "threatens their traditional lifestyle."

It's equally difficult to condone the Gwich'in Indians' willingness to collect countless thousands of dollars from environmental groups, to place full-page ads in major newspapers, appear in television spots, and testify on Capitol Hill in opposition to ANWR exploration—and then lease more of their tribal lands for drilling. But none dare call it hypocrisy.

Government geologists say ANWR could contain as much as 16 billion barrels of recoverable oil. That's enough to replace all our Persian Gulf imports for 10 years or more. At peak production levels, ANWR could provide 1/10 of total U.S. oil needs.

Developing this critically needed domestic energy supply could also create 735,000 jobs, save us from having to send hundreds of billions of dollars to OPEC, and generate tens of billions in royalty and tax revenues to defend and rebuild our nation.

All these benefits would result in the disturbance of about 2,000 acres—less land than the terrorists destroyed or damaged in New York City—in a refuge the size of South Carolina. And any drilling would be done in the dead of winter, using ice airstrips, roads, and platforms that will melt when spring arrives.

Eskimos who actually live in ANWR want the same benefits the Gwich'ins seek.

As Kaktovik Inupiat Corporation President Fenton Rexford notes, the Eskimos are tired of using five-gallon buckets for sanitation, because they don't have toilets, running water, or a sewer system. They also understand the national security issues at stake here.

No wonder they support ANWR exploration by an 8:1 margin.

Paul Driessen is principal of Global-Comm Partners in Fairfax, Virginia, and a senior policy analyst for the Committee for a Constructive Tomorrow.

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Smart-growth takes hits

While still a dominant political force in many states and metropolitan areas, cracks in the smart-growth movement are growing wider

BY RANDAL O'TOOLE

Since the September 11 attack on the densest part of America (when counting job density), numerous commentators have pointed out the idea of density suddenly doesn't seem so attractive. Smart-growth advocates have come up with rather lame responses to this.

University of Pennsylvania urban planner Mark Alan Hughes, for example, says terrorism proves we should live in high-density cities so we can be close to hospitals when terrorists attack. That is hardly reassuring—especially if the roads between you and the hospitals are gridlocked.

Smart-growth bad for salmon

Aside from terrorism worries, smart-growth has suffered blows from other quarters. In the Northwest, for example, it turns out smart-growth is incompatible with saving salmon.

According to National Marine Fisheries Service (NMFS) biologists, protecting fish requires that no more than 10 percent of new developments should be "impermeable," i.e., covered with pavement or buildings. Implementing this rule, admits NFMS officials, will require "sprawl."

This calls into question Oregon's strict smart-growth rules. "In most areas," says NFMS biologist Spencer Hovcamp, Oregon land-use policies "have little likelihood of success" in helping to recover salmon.

In response, Mike Burton, the director of Metro (Portland's regional planning agency and a leading smart-growth supporter), says state agencies and the legislature need to "take a second look at Oregon's land-use policies." This comment deflects any blame for harming salmon habitat to someone other than Metro.

Suburbs attracting minorities

Meanwhile, the idea that low-density suburbs unjustly concentrate poor people and minorities in the cities is being blown away by 2000 Census results. In the Portland area, for example, the Census has shown that "growing numbers of Latino, African American, and Asian families bought homes in scattered Portland and suburban neighborhoods during the 1990s, increasing racial and ethnic diversity throughout the region."

From 1990 to 2000, the share of the region's African Americans concentrated in Northeast Portland (the area people called "the ghetto" in the 1960s) fell from 60 to 48 percent—which means the rest moved to the suburbs or other Portland neighborhoods. The number of African-American families who owned their own homes grew by 27 percent. Hispanics and other minorities are also dispersing. I am sure similar numbers can be found for other urban areas.

Portland planning "is in trouble"

A recent draft report from a Portland State University professor says, "The urban transportation planning process in Portland is in trouble." The report, *A Critique of the Urban Transportation Planning Process: The Performance of Portland's 2000 Regional Transportation Plan* is by Professor Kenneth Dueker of the Urban Studies and Planning Department.

According to Dueker, Portland's Metro predicts transit's share of regional travel will double over the next 20 years. Many other metropolitan planning organizations are projecting a *decline* in transit's share, and the average projection for similar-sized urban areas is just a 14 percent increase. "No other city comes close" to Metro's estimate, which Dueker considers to be "wishfully optimistic or unrealistic."

Dueker observes Metro plans to make capital investments in transit equal to $1.18 per projected transit trip, while investments in highways will equal only $0.05 per auto trip. The result, Metro projects, will be "a 560 percent increase in congested hours in the PM peak period." This plan is "unsustainable," says Dueker, because "people will not tolerate" that level of congestion.

Portland "planners have a faith in new urbanism that is blind to what reasonable forecasts tell them." Dueker predicts Metro's plan will lead to "backlashes," including "opposition to upzoning proposals, the flight of families seeking the space they need and can afford, and ballot initiatives to finance and build roads."

Congestion leads to more roads

Is Dueker's prediction accurate? We can get an idea from another growing region that decided to stop building roads in order to discourage growth.

Years ago, Santa Cruz County, California, decided not to expand the four-lane Highway 1. The policy didn't do much to curtail traffic: In the past decade, highway traffic grew by nearly 40 percent. The result was "agonizing stop-and-go conditions" that overflowed into neighborhoods, sometimes "trapping residents in their homes for hours at a time."

In response to pressure from a variety of sources, the county commission recently voted 8 to 2 to expand the highway by two lanes. Among the supporters of expansion was the county's transit district, which is enthused the new lanes will be bus-and-carpool lanes.

Conclusions

Smart growth is still the dominant political force in many states and metropolitan areas. But the cracks in the movement's facade are growing wider.

Smart-growth advocates express concern about congestion and housing affordability. But as more people realize the real effects of smart growth are to increase congestion to discourage driving, and increase housing costs to discourage low-density development, support for the movement will eventually fade away.

*Randal O'Toole (rot@ti.org) is senior economist with the Thoreau Institute (**www.ti.org**) and author of the recent book,* The Vanishing Automobile and Other Urban Myths.

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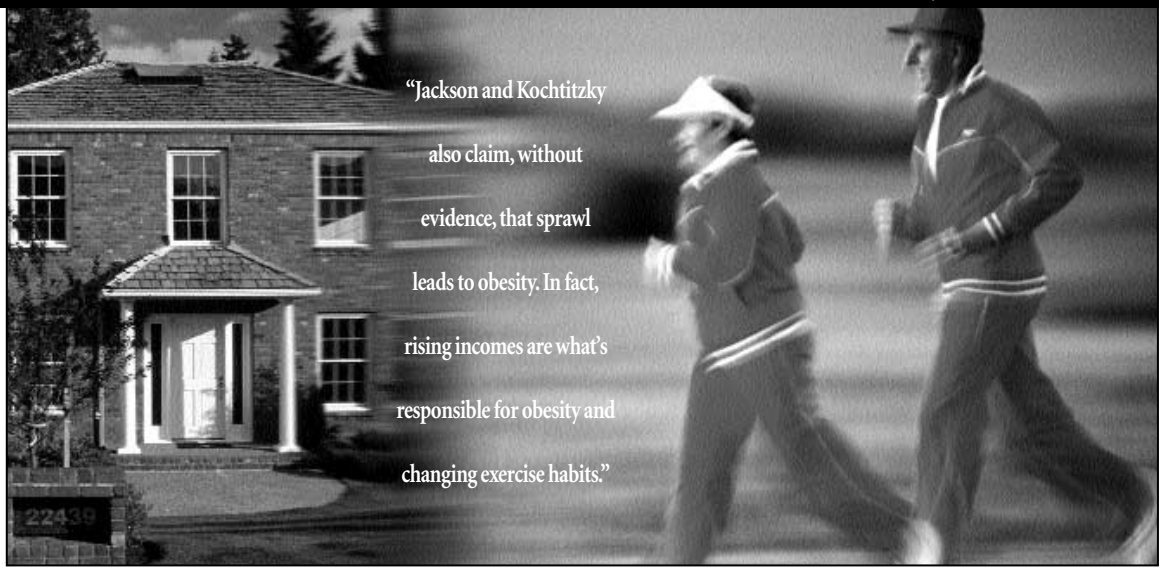
CDC STUDY continued from page 1

The other is a medical doctor who works for CDC in an administrative capacity.

These two people may have written the report with the best of intentions. But the report is as unscientific as anything ever published by smart-growth groups. It is full of logical fallacies and inconsistencies. Most important, it fails to document any of its claims.

The report's thesis is that suburbs are a public health menace and that smart-growth is the public health solution. The report's fundamental fallacy is the old "design myth" held dear by many architects and urban planners: "We shape our cities, and then our cities shape us." In other words, urban design determines how we live, and better design can make us live better.

Many of the report's key conclusions are easily refuted.


"Jackson and Kochtitzky also claim, without evidence, that sprawl leads to obesity. In fact, rising incomes are what's responsible for obesity and changing exercise habits."

Sprawl and air pollution

The SprawlWatch report claims suburban sprawl leads to more toxic air pollution. But the authors cite no evidence this is true. In fact, dense, congested cities present more air pollution hazards than do the suburbs.

The health effects of air pollution are a function of how many miles people drive, the congested conditions in which they drive, and the concentration of driving and pollution. The SprawlWatch report points out suburbanites tend to drive more than city dwellers, and so concludes suburbs lead to more toxic air pollution.

In fact, differences in driving between the suburbs and the cities are in large part attributable to differences in family size, income, and other factors. Forcing suburban families to live in smart-growth densities will not necessarily reduce their driving.

More important, the other two factors affecting air pollution—congestion and concentration—are much worse in cities than in suburbs. To minimize the health risks of air pollution, we would be much better off moving the residents of dense cities to low-density suburbs than densifying the suburbs.

In practice, air pollution is declining not because of changes in urban form, but because of improved technology. The best way to reduce air pollution is at the tailpipe, not the ignition key. Although Americans drive three times as much today as they did in 1970, total automotive pollution is roughly two-thirds less than it was in 1970. Further improvements are easily possible at modest cost.

Sprawl and obesity

Jackson and Kochtitzky also claim, without evidence, that sprawl leads to obesity. In fact, rising incomes are what's responsible for obesity and changing exercise habits.

While the report cites statistics indicating Americans walked or bicycled more in the past than they do today, it fails to show these changes are in any way due to suburban environments.

Increases in auto driving are largely due to increases in incomes. Government policies aimed at increasing poverty in America will do more to increase walking and cycling than policies aimed at reshaping the suburbs.

While few would seriously propose poverty-inducing policies, the reality is that the anti-auto, anti-suburb policies promoted by SprawlWatch will help to impoverish many Americans. Automobiles have given people access to better jobs, and without autos people's incomes will decline.

Sprawl and pedestrian safety

Suburban sprawl, according to Jackson and Kochtitzky, is dangerous for pedestrians and bicyclists, who account for 13 percent of all traffic fatalities. However, the report makes no attempt to record what share of those fatalities occur in the suburbs vs. in the cities.

The report asserts "strong associations" between "the risk for pedestrian injuries and high traffic volume." While it is true that many suburban highways have high traffic volume, those roads also tend to have wide lanes and are often paralleled by low-trafficked routes. By comparison, the streets in dense cities tend to have narrow shoulders for bicycles and poor alternate routes. They pose high risks for pedestrians.

"[T]he report is as unscientific as anything ever published by smart-growth groups. It is full of logical fallacies and inconsistencies. Most important, it fails to document any of its claims."

The report particularly focuses on the dangers of the suburbs to children, again without citing any data. Local suburban streets tend to be broad and, since most people park in garages or driveways, clear of parked cars. This gives motorists a clear view of children or others in the streets. By contrast, most urban streets are clogged with parked cars, creating a dangerous situation for children who may dash out between parked cars in front of moving vehicles.

"The risk for injury to children living in neighborhoods with the highest traffic volumes was 13 times that of children living in the least-busy areas," the report says. This clearly argues for more suburban neighborhoods, where traffic volumes are low, rather than for urban neighborhoods. Yet the writers somehow draw the opposite conclusion.

Suburban sprawl and the elderly and disabled

Yet again, Jackson and Kochtitzky assert, but fail to provide evidence, that the mobility problems of elderly and disabled people can be linked to the suburbs.

Elderly and disabled people do suffer from mobility problems. Many of these people choose to live in neighborhoods designed to alleviate those problems.

The report focuses on the fact that some neighborhoods lack curb-cuts for wheelchairs or shelters for bus stops. While some of those barriers can be easily eliminated, there is no reason to think that applying smart growth—high-density housing, mixed-use developments, high-density transit service—throughout the suburbs is either necessary or sufficient to address the mobility problems of the elderly and disabled.

Sprawl and water quality

"Uncontrolled growth" is detrimental to water quality, says the report. "In urbanized areas, rainfall that once filtered slowly downhill becomes surface runoff. It flows across compacted earth and impervious man-made surfaces." That changes water flows and means pollutants directly enter streams rather than being filtered by the soil.

All of these things are true. Yet once again, the claim that suburbs are the problem is wrong. Cities have a much higher ratio of impervious surface to soil than do the suburbs. The percentage of land covered by streets in auto-oriented suburbs tends to be at least one-third less than the share of cities built before the auto. Suburbs with homes on half-acre lots have much larger areas of pervious grass and soil than urban apartments or homes on one-eighth- or one-sixteenth-acre lots.

As salmon biologists have realized in the Pacific Northwest, the solution to water quality problems is low-density development—"sprawl"—not smart growth. (See *Vanishing Automobile* update #21.)

Other unsupported claims

The report also briefly mentions other public health problems supposedly caused by the suburbs. In almost every case, the real problem is in dense inner cities, not the suburbs.

- The report refers to crime in public housing developments that lack surrounding greenspace—a clear argument for suburban housing.
- The report refers to the urban heat island effect of large expanses of concrete and asphalt—another clear argument for low-density housing.
- In a particularly specious argument, the report blames the construction of urban schools on former toxic dumps on rich people who have moved to the suburbs, leaving urban school districts too poor to build anywhere else. As Anthony Downs has discovered, however, there is no relation between "sprawl" and the concentration of urban poverty (see *Vanishing Automobile*, pages 214-216, **http://www.fanniemaefoundation.org/research/policy/pdf/HDP104/HDP104/d owns.pdf**).

In short, the report fails to show that any of the problems it attributes to the suburbs are really caused by the suburbs. In most cases, if the problems are caused by urban form at all, they are due more to dense cities than low-density suburbs.

Responding to the report

The report urges public health officials to become active in urban planning and provide planners "with the public health arguments they need to support 'smart-growth' designs and initiatives."

It is one thing for public health officials to encourage people to exercise more. Where evidence shows that sidewalks are safer for pedestrians, it may also make sense for public health officials to encourage sidewalks. But it is quite another thing for public health officials to make a wholesale endorsement of smart-growth based on murky and undocumented claims that it is safer than low-density suburban development.

Smart-growth opponents should make certain that local news sources and public health officials understand that:

- This report is not endorsed by the CDC and is not supported by any scientific evidence.
- Smart-growth creates more air pollution, not less.
- There is no evidence that smart-growth will reduce obesity.
- There is no evidence that smart-growth makes for less dangerous environments for pedestrians, cyclists, the elderly, and the disabled—and some evidence to the contrary.
- The solution to water quality problems is low-density development, not smart-growth.

*Randal O'Toole (rot@ti.org) is senior economist with the Thoreau Institute (**www.ti.org**) and author of the recent book,* The Vanishing Automobile and Other Urban Myths.

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Greener than you think

Former "Greenpeacer" vindicates economist Julian Simon

BY FRED S. SINGER

"That the human race faces environmental problems is unquestionable. That environmental experts have regularly tried to scare us out of our wits with doomsday chants is also beyond dispute."

With those two remarkable sentences, Denis Dutton opens a Sunday, October 21, front-page *Washington Post* "Book World" review of Bjorn Lomborg's *The Skeptical Environmentalist: Measuring the Real State of the World.*

A Danish former Greenpeace member, Lomborg jauntily clings to his left-wing academic credentials while exposing as hype virtually every environmental gloom and doom scenario, and scary claim, of the last 25 years.

"The media treat the environment as a subject of ceaseless decline, hastened by the indifference of ruthless capitalists and their toady politicians. But *The Skeptical Environmentalist*, a superbly documented and readable book by a former member of Greenpeace, has a different story to tell," writes Ron Bailey in an October 2 review of the book in *The Wall Street Journal.*

The book's author, Bjorn Lomborg, is a professor of statistics at the University of Aarhus in Denmark. A self-described environmentalist, he was angered by an article about economist Julian Simon, in which Simon claimed the state of humanity and the natural environment were both improving. Lomborg directed his students to find the data to debunk Simon's claims. Instead, Lomborg and his students found overwhelming indications that things are, in fact, improving.

Using figures drawn from reports of the World Bank, Food and Agriculture Organization, United States Environmental Protection Agency, International Panel on Climate Change, and other sources, Lomborg takes on what he calls "the litany" of environmental groups. He makes the case that the problems of deforestation, global warming, poor air and water quality, and endangered species have been overblown by advocacy organizations in search of funding.

With more than 3,000 footnotes, Lomborg makes a strong case that, contrary to the claims of many environmental groups, energy and other natural resources have become more abundant; more food is being produced and fewer people are going hungry; species extinction rates are not skyrocketing; and most forms of environmental pollution are decreasing.

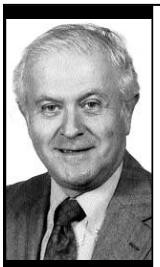
Lomborg's statistics lead him to a central argument—that "the litany" of misrepresented environmental problems distracts attention and shifts much-needed resources from other, more pressing societal needs.

At a recent debate organized by the Joint Center for Regulatory Studies (AEI-Brookings), Lomborg noted that by most accepted standards, the provisions of the Kyoto treaty would at best delay the effects of global warming by about six years. For the $150 to $300 billion per year it would cost to implement the treaty, Lomborg argues "the whole Third World could be provided systems for clean drinking water that would save 2 million lives a year."

For more information...

WWW *The Skeptical Environmentalist: Measuring the Real State Of the World* was written by Bjorn Lomborg and published by Cambridge University. It is available for $19.56 (paperback) through Amazon.com; point your Web browser to **http://www.amazon.com/exec/obidos/ASIN/0521010683/theheartlandinst**

The book was reviewed enthusiastically by Denis Dutton in the *Washington Post* of October 18. To view the entire article, go to **http://www.washingtonpost.com/wp-dyn/articles/A12789-2001Oct18.html.** For a really nasty review, see *Nature* 414, 149 - 150 (2001).



BY S. FRED. SINGER

America, European Union take different approaches to chemicals

EPA report: Small doses of chloroform pose no cancer risk

A toxicological summary issued October 19 by the Environmental Protection Agency makes an official, final determination that exposure to a tiny dose of a carcinogen may not cause cancer.

EPA posted its toxicological review of chloroform on its Integrated Risk Information System (IRIS). The summary represents the consensus of agency scientists from various programs.

The formal acknowledgment came as a result of a federal appeals court decision requiring EPA to revise its risk assessment for chloroform (*CCC v. EPA*). The court said EPA acted arbitrarily and capriciously when it enacted a zero-tolerance standard for chloroform in drinking water in a 1998 rulemaking.

Louisiana considers DDT

A Louisiana state senator is calling for the use of DDT to combat an outbreak of encephalitis that has infected 64 people and claimed three lives in northern Louisiana.

Encephalitis is spread when mosquitoes bite infected birds and then transmit the virus to humans and horses.

The *Baton Rouge Advocate* reported Sen. Noble Ellington (D-Winnsboro) is urging state health officials to ask federal environment officials about getting a waiver to use DDT against encephalitis-bearing mosquitoes. Federal law allows a waiver for the use of banned chemicals, although no waivers have been given for DDT since it was banned in the U.S. in 1972.

Even if Louisiana could get a waiver for DDT, the state would have difficulty getting the chemical. Because of the U.S. ban, it is now manufactured only in foreign countries.

Real vs. phantom health risks

Kimberley Strassel, an opinion columnist for *The Wall Street Journal*, recently commented on EPA's declaration that the World Trade Center disaster site posed no danger of asbestos exposure to the general public, despite the fact that some tests exceeded EPA safety limits.

Strassel used asbestos as an example of how EPA's "draconian approach" to regulation "has served to encourage unfounded health scares, and created an environment in which people no longer make rational decisions about health risks. . . . Untold sums of public money have gone toward eradicating a nonexistent health problem, money that could have been better spent on practically any public good."

EU environment committee backs chemical phaseouts

The European Parliament's Environment Committee has approved a report calling for "all hazardous chemicals" to be phased out by 2020 and backed a proposal for tightened registration, evaluation, and authorization systems for both existing and new chemicals.

The report is expected to face considerable opposition, as the Environment Committee rejected hundreds of amendments that would have moderated the proposal. According to *BNA's Daily Environment Report*, the European Chemical Industry Council (CEFIC) claims the policies, if approved, would seriously undermine the competitiveness of the EU chemicals industry, as well as other European industries that depend on chemical products.

Chemicals subject to the proposed policies would include persistent and bioaccumulative substances, endocrine disrupters, and substances that are carcinogenic, mutagenic, and toxic to produce. The bans or other requirements would extend to imported chemicals, as well as those present in manufactured goods. Substances deemed to be "of very high concern" would be banned from consumer products by 2012, and other products would require labels to warn consumers of dangerous substances contained in them.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science & Environmental Policy Project. His "The Week that Was" column can be found at ***www.sepp.org.***

"A Louisiana state senator is calling for the use of DDT to combat an outbreak of encephalitis that has infected 64 people and claimed three lives . . ."

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One glaring error

After these glowing reviews, it may seem churlish to critique Lomborg's book, which is currently undermining the environmental alarmists. But that's our job.

Lomborg follows squarely in the footsteps of Julian Simon (*The Resourceful Earth* and other titles), and also *But is it True*? by Aaron Wildavsky (Harvard University Press). He departs, however, by accepting the IPCC science report as correct and unbiased. Here in his own words, speaking at the American Enterprise Institute in October 2001:

"I'm just going to talk very shortly about global warming because that is obviously, in a sense, probably the biggest issue of the day. That is the word that most people hear right now.

"Well, I'm not going to get into all the discussion about the science of global warming. There's a lot of discussion about the uncertainty there. It seems to me that what we really need to know more about is to what extent is global warming going to harm us?

"We're still talking about 25 years of research. We basically have the same doubling of carbon dioxide, the sensitivity, and it's still the same range, 1.5 degrees Celsius up to 4.5 degrees Celsius. The one thing would not harm us very much, the other thing would harm us dramatically and we'd really like to know which is true. We still don't know, and it doesn't seem like we've gotten much closer to saying that. But it seems incontrovertible that carbon dioxide is warming the planet."

"[Lomborg accepts] the IPCC science report as correct and unbiased. . . . He is quite wrong about this and he needs to become aware of it."

Lomborg is quite wrong about this and he needs to become aware of it. He should read Lindzen in the June 11, 2001 *Wall Street Journal*:

"The panel was finally asked to evaluate the work of the United Nations' Intergovernmental Panel on Climate Change, focusing on the Summary for Policymakers, the only part ever read or quoted. The Summary for Policymakers, which is seen as endorsing Kyoto, is commonly presented as the consensus of thousands of the world's foremost climate scientists. Within the confines of professional courtesy, the NAS panel essentially concluded that the IPCC's Summary for Policymakers does not provide suitable guidance for the U.S. government.

"The full IPCC report is an admirable description of research activities in climate science, but it is not specifically directed at policy. The Summary for Policymakers is, but it is also a very different document. It represents a consensus of government representatives (many of whom are also their nations' Kyoto representatives), rather than of scientists. The resulting document has a strong tendency to disguise uncertainty, and conjures up some scary scenarios for which there is no evidence.

"Science, in the public arena, is commonly used as a source of authority with which to bludgeon political opponents and propagandize uninformed citizens. This is what has been done with both the reports of the IPCC and the NAS. It is a reprehensible practice that corrodes our ability to make rational decisions. A fairer view of the science will show that there is still a vast amount of uncertainty—far more than advocates of Kyoto would like to acknowledge—and that the NAS report has hardly ended the debate. Nor was it meant to."

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science & Environmental Policy Project. His "The Week that Was" column can be found at ***www.sepp.org.***

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Letter to the Editor

Dear Editor:

I truly do not understand the fuss about global warming. Just what is the problem?

The goal of many people is to retire and move to a warmer climate. There are also many people who are called snowbirds—not because they like snow, but because they like to avoid it. The Canadians, who can afford it, flock to Florida and Arizona and southern Texas in the winter. Why? Because they want to be where it's warmer.

While the environmentalists and Global Planners want us to believe that we are fast running out of space where people can live, we have huge land masses such as Greenland and northern Siberia and Antarctica that are just too cold for comfortable or even practical human habitation. How does this square with the pretended global warming disaster?

Have you been real hungry lately? Try raising oranges in Minnesota or cantaloupe in Greenland. The fact is, that if the global warming predictions could come true, the rich soil of Canada's western prairies and the Russian Ukraine would quickly replace that small area of Nebraska, Iowa, and Illinois that was once called the "bread basket of the world" by the Global Planners.

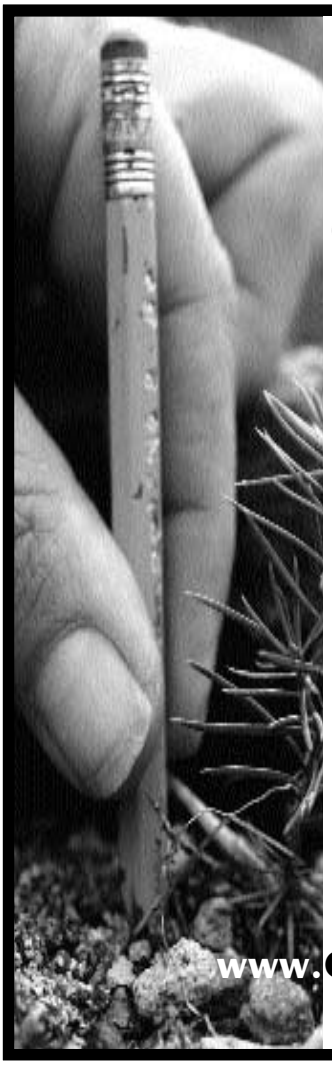
It looks to me like the global warming problem fits into the same slot as having too much money or being too healthy to enjoy life.

What am I missing? Would some of the "chicken littles" please explain this to me!

Joe Zajicek
Area Coordinator
Basic Freedoms, Inc.

For more information...

Basic Freedoms Inc. is a nonprofit organization, founded in1964, dedicated to constitutional government in the U.S. Membership is $20 a year, and additional contributions are accepted. Please contact Joe Zajicek at Basic Freedoms Inc., 3405 Rochester Avenue, Iowa City, IA 52240; phone 319/351-8118.



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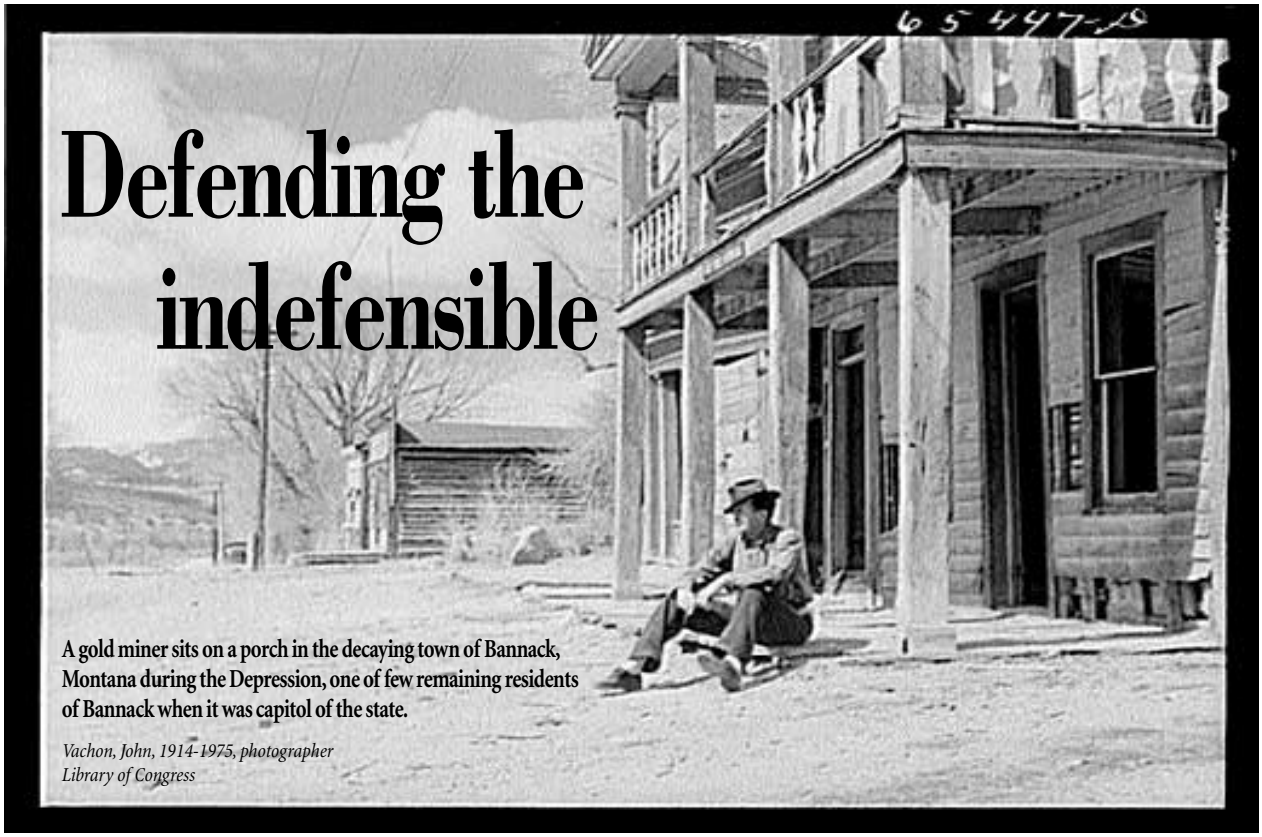

A gold miner sits on a porch in the decaying town of Bannack, Montana during the Depression, one of few remaining residents of Bannack when it was capitol of the state.

Vachon, John, 1914-1975, photographer
Library of Congress

BY WILLIAM PERRY PENDLEY

In 1976, Congress adopted the Federal Land Policy and Management Act (FLPMA) to end seven decades of ad hoc Presidential withdrawals of federal land from public use.

The 1970 Public Land Law Review Commission Report had chastised Congress for its acquiescence to Presidential usurpation of powers assigned to Congress by the Constitution's Property Clause. In response, Congress painstakingly described in FLPMA the only way to withdraw federal lands.

For nearly 20 years, federal land managers and their political bosses knew that all withdrawals had to comply with FLPMA. Then came the Clinton administration.

There's gold in Montana

Earnest Lehmann, of Minneapolis, Minnesota, has an innate sense for hidden bodies of ore. With hard work and knowledge gained from years of experience, Lehmann has identified ore bodies throughout the world—ore bodies later taken over and developed by large mining concerns.

"Not easily shocked, [Earnest Lehmann] was stunned when Bush administration lawyers defended the Clinton administration's actions…"

Years ago, Lehmann and two partners located a world-class gold deposit in northern Montana's Liberty and Toole Counties, in an area that has been mined since the first miners came West. In fact, so much mining has occurred in the area that it consists of intermingled private, state, and federal surface and mineral interests; most is privately owned.

In the 1980s and early 1990s, the Bureau of Land Management (BLM), recognizing both its duty to permit mineral development and the area's mineral potential, worked with Lehmann to permit environmentally sensitive mining operations.

"Careful handling"

That changed after Bill Clinton was inaugurated; the BLM became virulently anti-mining, with BLM employees looking for ways to end Lehmann's mining activity. BLM employees asked government lawyers if they could simply reject Lehmann's mining plan. When the lawyers said no, the BLM employees concluded that "[w]ith careful handling, the approval [of Lehmann's plan] could be delayed many months or even years."

BLM employees, under pressure from then-Congressman Pat Williams (D-Montana), who also opposed Lehmann's mining, convened a Washington, DC task force "to study avoidance measures," "recommend an alternative to mineral exploration," and "stop [mineral] development" in the area of Lehmann's claims.

Finally, the BLM withdrew the area from mining activity for two years. The asserted basis was a sham; all the reasons given by the BLM had been ruled of no consequence in an earlier BLM decision. But the withdrawal had its impact: Lehmann's partners left, taking with them the $500,000 allocated to delineate the mineral deposit, endangering the $1,000,000 already invested in the project.

Meanwhile, the BLM sought to complete the paperwork to make it appear as if the withdrawal complied with federal law. But, due to internal conflicts and outside pressure (from Congressman Williams, among others), the BLM could not meet the legal deadlines. When the two-year withdrawal expired, the BLM had to issue another two-year withdrawal, in violation of FLPMA.

The BLM brushed the legal difficulties aside and issued a new two-year withdrawal, saying it was in "aid of legislation," a bill introduced by Williams. That too was illegal.

After the first withdrawal expired, Lehmann staked new claims. The BLM declared those claims null and void, a ruling upheld by the Interior Board of Land Appeals. Lehmann objected, asserting the second withdrawal was illegal because it was the same as the first, in violation of FLPMA. Finally, in March 1997, one of Babbitt's officials withdrew the entire area from mining activity.

No better under Bush

Now, Lehmann is in federal court to determine whether the law so carefully crafted by Congress in 1976 means anything at all.

"For nearly 20 years, federal land managers and their political bosses knew that all withdrawals had to comply with FLPMA. Then came the Clinton administration."

Lehmann knew the law meant nothing to the Clinton administration. Not easily shocked, he was stunned when Bush administration lawyers defended the Clinton administration's actions, saying those actions were "balanced" and therefore legal; or, if illegal, had been ratified by congressional inaction.

Worst was Bush's lawyer's reliance upon a 1910 statute that Congress repealed when it passed FLPMA.

When Lehmann sued, he knew Bush's lawyers would make him prove his case. But he never imagined they would show the former administration's disdain for federal law.

William Perry Pendley is president and chief legal officer of the Mountain States Legal Foundation.

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It's time to reclaim our rights

BY DEAN FINCH

Once again, the federal Ninth Circuit Court of Appeals has proven itself to be subservient to radical environmental groups, stopping the salvage of dead and dying trees in northern Idaho and eastern Washington.

Bark beetle and tussock moth infestations, in epidemic proportions, have invaded prime timber. It would be logical to salvage those valuable trees, but radicals have sued the U.S. Forest Service to prevent that from happening—preferring, apparently, to allow a valuable resource to rot in the forest.

By the time the Forest Service can get the court stay lifted, the trees will likely be useless.

Time after time, the anti-logging environmentalists act in ways that guarantee a valuable resource—one that would provide jobs and stability to a local economy—goes unused, eventually contributing to the long-term fire hazard in our forests. They have one goal in mind: to stop all human use of the Earth's natural resources.

For the most part, the media swallow the environmentalists' line without checking the facts. More often than not, there are few to be found. Scare tactics, half-truths, biased computer models, and "feel good" statements for the public are the tools of the environmentalists' trade.

Managing resources makes sense

The Forest Service, Bureau of Land Management, and state forestry and range personnel try to make some sense of managing our valuable forest and range resources. But they have little hope of success until the Endangered Species Act and EPA regulations can be rewritten to permit sensible, professional management of forests, rangelands, and waterways.

> **"Time after time, the anti-logging environmentalists act in ways that guarantee a valuable resource—one that would provide jobs and stability to a local economy—goes unused…"**

The radical environmentalists use the spotted owl to stop timber harvests, and bull trout and salmon to close down entire forest regions. Salmon and suckers are now being used to take away long-established water rights. Wolves and grizzly bears can shut down ranching and close remote areas to use by man. When challenged, the radical environmentalists appeal to the federal appellate court most likely to respond in their favor.

In southern Oregon, the radical environmentalists are about to succeed in their goal of removing farmers and ranchers from the Klamath Basin. In the name of suckers and salmon, the environmentalists succeeded in diverting much-needed irrigation water away from the Klamath Basin humans. If the environmentalists hold true to past patterns of behavior, their next step will be to ask the government to buy out hundreds of farmers and ranchers: the beginning of the end of farming and ranching in the Klamath Basin.

Private property under siege

Ownership of private property—and the right to use that property—has been essential to the American way of life since the country's founding. Now socialists, under the guise of environmentalism, are using ESA and EPA regulations to drive private property owners from their land.

The Conservation and Reinvestment Act (CARA) is a key part of the socialist-environmentalist agenda in the U.S. CARA would give the radical environmentalists hundreds of millions of dollars with which to drive private landholders from their property. Passage of CARA in its present form, granting condemnation powers to the environmentalists and to out-of-control federal agencies, would be a disaster to landholders in the West.

The large dams on the Snake and Boise rivers are next on their hit list. The environmentalists have the ability, through the federal courts, to shut down Snake River transportation, irrigation, and electrical projects, just as they have shut down most of the area's logging and mining.

These dams all come up for re-licensing in the next 10 years. The radical environmentalists have already begun their attack, by demanding major changes in the dams' operation and, in some cases, demanding their total removal from the rivers. Even the mighty Columbia River power dams are not safe from environmentalist lawsuits and the Ninth Circuit appellate court.

> **"Ownership of private property—and the right to use that property—has been essential to the American way of life since the country's founding."**

It's high time elected officials revise and make some sense of the ESA and EPA rules and regulations. Science, not rhetoric, should guide our management of rivers, forests, and rangeland. Man should have equal status with fish, birds, animals, and plants. Time is running out.

Dean Finch is a retired professional forester.

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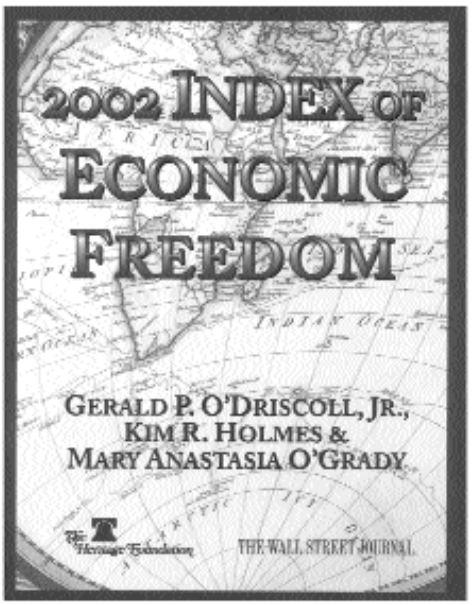

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Edited by Gerald P. O'Driscoll, Jr., Kim Holmes, and Mary Anastasia O'Grady

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EDITORIAL

Hard evidence of global warming …in *Caddyshack*?

BY JAMES M. TAYLOR
MANAGING EDITOR

If you believe the latest round of pop-science reports in the mainstream media, you can only conclude that the comedy movie classic *Caddyshack* provides the answer to two of the most important scientific questions of the day: Is the Earth warming, and is mankind responsible?

The much-sought-after answers to those questions can be discovered in *Caddyshack* by applying the same highly scientific reasoning the mainstream media recently used to analyze one of Alaska's kill-the-winter-boredom comedic classics.

Guessing game

In 1917, engineers were building a railroad bridge over the Tanana River near Fairbanks, Alaska. Because the presence of ice on the river halted bridge construction, the engineers were forced to amuse themselves in whatever way possible while they fought boredom and awaited the spring thaw.

One of many such methods of amusement (we're talking he-man Alaskans at the turn of the last century here, so you can use your imagination as to what else occurred, all in the name of boredom-fighting) was to place bets on when the ice would break up on the river, allowing construction to continue.

From such humble beginnings emerged the "Nenana Ice Classic," an annual guessing game in which thousands of people now participate. For a $2 bet, participants earn a chance to win the grand jackpot by guessing the exact time and date the ice will break up on the river.

Because early contests were prone to subjective, financially self-serving pronouncements of just what constituted the official ice breakup on the river, a large, immaculately crafted wooden tripod is now placed on the ice, and the official breakup time occurs when the tripod falls through the ice into the river, much like Al Gore's political aspirations.

This passes for science?

Raphael Sagarin, a "marine biologist" at Stanford University (*Managing Editor's note:* The somewhat goofy, pimply-faced kid who comes to my house once a month to clean my saltwater aquarium also calls himself a "marine biologist," for what that's worth), apparently learned of the contest while visiting Alaska last year. He was struck by what *USA Today*, MSNBC, and *Science* magazine apparently believe is the scientific insight of the century. "I immediately thought this might be a great record of climate change."

Sagarin surmised that he could study the record as to the date each year's Nenana Ice King received his frozen and technically illegal annual payoff to reconstruct a record of when the ice thawed on the Tanana River. "It turns out to be really good, accurate data," Sagarin scientifically explained.

Sagarin studied the records and reported the ice is breaking up 5.5 days earlier in recent years than it did in 1917. Sagarin then declared global warming is clearly upon us. *Science* magazine published his findings, and the mainstream media has been gushing about them ever since.

Duty to science requires a few observations here.

Remember that big, immaculately constructed wooden tripod erected to provide a definitive ice-out date? That didn't exist in 1917. And even when it first did come into existence, was anybody checking to make sure the tripod carried the same specifications in terms of size and weight from year to year? What about the tripod's placement? Anybody who was ever a child in New England can tell you that every year, some places on a pond thaw out much earlier than others, and the early thaw doesn't hit the same place year after year.

> **"I popped a *Caddyshack* videotape into my VCR and fast-forwarded to the second-most-famous … betting contest in history. And there I found my proof that global warming … is indeed occurring."**

John Daly, author of *The Greenhouse Trap* and master of the fantastic Web site "Still Waiting for the Greenhouse" (**http://www.john-daly.com**), notes the city of Fairbanks is directly upstream from the Nenana Ice Classic. Fairbanks, he points out, almost certainly discharges much more warm-water sewage (including water changes performed on salt-water aquariums by "marine biologists") into the river than it did in 1917.

Daly also points out the Fairbanks area has recently been receiving more seasonal snowfall than it did in 1917. More snowfall means more spring runoff, increasing the springtime flow of the river, resulting in an earlier breakup in the ice. Daly presents several other local factors, wholly unrelated to marine biology, that further skew the reported findings.

It should also be noted that, irrespective of the above-described flaws in the "Nenana Ice Classic as oracle of global warming" theory, any alleged warming near Fairbanks, Alaska would hardly prove warming on a global scale.

Numerous recent studies (some of which are reported in the October and December issues of *Environment & Climate News*) have found that both the Arctic and Antarctic polar ice caps are growing, not shrinking. Twice a month for the past three years, *CO_2 Science Magazine* (**http://www.co2science.org**) has identified and documented a cooling trend in several cities and towns across North America, including many in Alaska.

Don't confuse them with facts

This, of course, has not stopped the pop-media/pop-science culture from anointing the Nenana Ice Classic betting slips as irrefutable evidence of global warming. *USA Today*, MSNBC, and *Science* could hardly restrain themselves in praise of the newly discovered "proof."

On October 25, *USA Today* reported that "Hard evidence of global warming is showing up not in climate scientists' charts and figures but in nature." And we all know how unreliable scientific charts and figures are, as compared to gambling records.

Gushed MSNBC on the same date, "For centuries, hobbyists have collected data on the world around them—from the arrival of the first bird in spring to the first frost in autumn. The branch of science that looks at the annual timing of natural events is known as phenology. Until recent years, scientists have dismissed such nontraditional data gathered by amateurs. (*Managing Editor's note:* Gee, I wonder why?) 'Now scientists are taking a second look at phenology and giving it some respect,' Sagarin said."

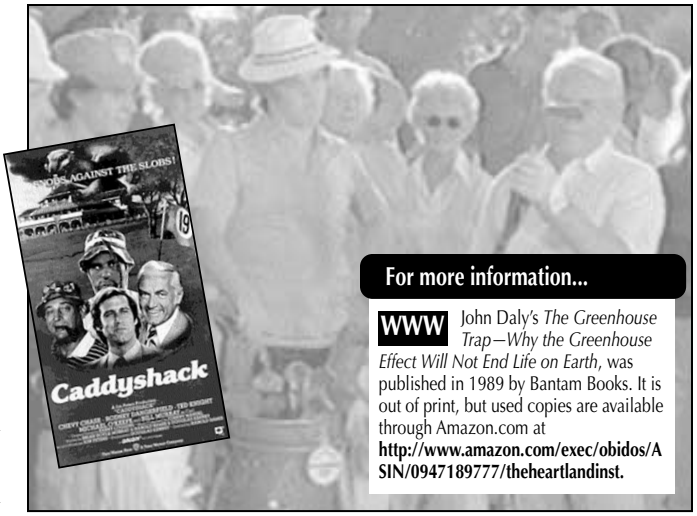
A logical conclusion

One cannot help but be tempted to apply such "scientific" methods to other scenarios. In fact, replication is quite necessary to prove the theory. That's essential to sound science: The results of an experiment must be independently verifiable.

Accordingly, I popped a *Caddyshack* videotape into my VCR and fast-forwarded to the second-most-famous (next to the Nenana Ice Classic) betting contest in history. And there I found my proof that global warming, just as predicted by the Nenana Ice Classic, is indeed occurring.

"Ten bucks says the Smails kid picks his nose!" calls out the locker-room attendant. The tension mounts … and the Smails kid picks his nose. A loud cheer erupts as the winners get paid.

I look at the calendar hanging on the wall in my kitchen. It is January 1, several months earlier in the year than the mid-summer date 20-odd years ago when I first watched *Caddyshack* and betting on the Smails kid first paid off at two-to-one odds. Global warming is indeed here, I realized. The Nenana Ice Classic is scientifically validated.



For more information…

WWW John Daly's *The Greenhouse Trap—Why the Greenhouse Effect Will Not End Life on Earth*, was published in 1989 by Bantam Books. It is out of print, but used copies are available through Amazon.com at **http://www.amazon.com/exec/obidos/ASIN/0947189777/theheartlandinst.**

Study shows longer Asian snowfall season

BY JAMES M. TAYLOR

In a study slightly more scientific than the Nenana Ice Classic, Dr. H. Ye has reported in *Geophysical Research Letters* that the snowfall season has been lengthening across northern Asia. *Geophysical Research Letters 28: 551-554 (2001).*

Ye analyzed first and last snowfall dates for 139 weather stations throughout north-central and northwest Asia between 1937 and 1994. He discovered statistically significant trends of lengthening snow seasons over much of the area. Most stations reported a snow season lengthening by more than four days per decade. Over the 58-year period, Ye's study shows a northern Asia snow season more than three weeks longer today than it was in 1937—irrespective of who's taking this year's payoffs at the Nenana Ice Classic.

"Since the mean snow season length of the stations studied ranged from 60 to 260 days, this increase in snow season length amounts to an extension of anywhere from 10 to 40 percent," reports *CO2 Science Magazine*.

Amid the mainstream media uproar over the Nenana Ice Classic's "hard evidence" was lost this much more scientific evidence of a net cooling, rather than a net warming, over an extended portion of the northern hemisphere.

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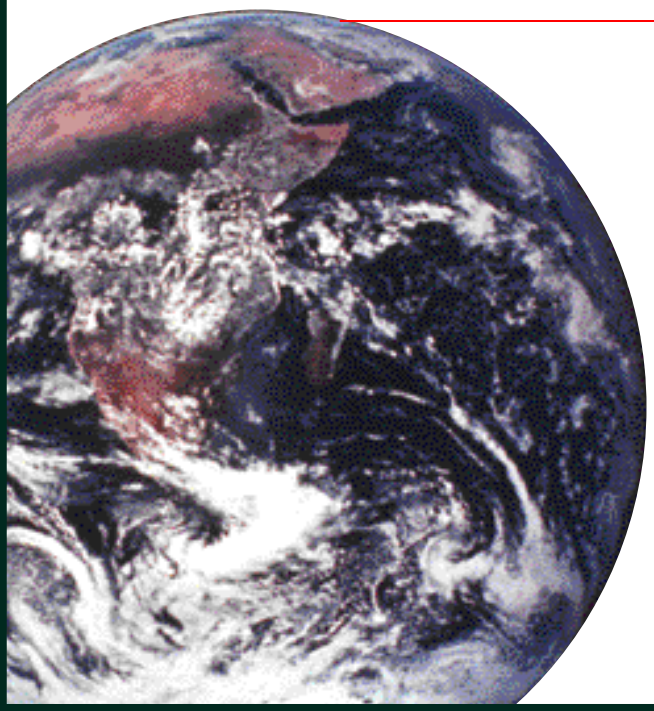

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